



**Agenda
Minnetonka City Council
Regular Meeting
Monday, April 12, 2021
6:30 p.m.
WebEx**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Schaeppi-Coakley-Kirk-Schack-Carter-Calvert-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. March 22, 2021 regular meeting
 - B. March 15, 2021 study session
6. Special Matters:
 - A. Earth Day Proclamation
Recommendation: Read the proclamation
 - B. Arbor Day Proclamation
Recommendation: Read the proclamation
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
 - A. Bids for the Ridgemount Avenue Improvements Project
Recommendation: Award the contract (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>.

- B. Bids, resolution and agreement for the Groveland-Bay Improvements Project
Recommendation: Award the contract, adopt the resolution, and approve the agreement (4 votes)
 - C. Bids for the Opus Area Bridge Improvements - Phase II Project
Recommendation: Award the contract (4 votes)
 - D. Bids for the Williston Road Lift Station Forcemain Rehabilitation Project
Recommendation: Award the contract (4 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
- A. Minor change to sustainability commission membership language
Recommendation: Adopt the ordinance (4 votes)
 - B. Ordinance amending city code 820.035, subdivision 1(a), regarding health and safety standards
Recommendation: Adopt the ordinance (4 votes)
 - C. Collective Bargaining Agreement between the City of Minnetonka and International Union of Operating Engineers (IUOE), Local No. 49, AFL-CIO
Recommendation: Approve the collective bargaining agreement and the three (3) Memorandum of Agreements (4 votes)
11. Consent Agenda - Items Requiring Five Votes:
- A. Resolution approving a conditional use permit with variances, for a restaurant expansion and outdoor seating area, at 14725 Excelsior Boulevard
Recommendation: Adopt the resolution approving the request (5 votes)
12. Introduction of Ordinances:
- A. Items concerning Taco Bell at 12380 Wayzata Blvd:
 - 1) Major amendment to the master development plan;
 - 2) Conditional use permit, with variances; and
 - 3) Site and building plan review, with variances.Recommendation: Introduce the ordinance amending the master development plan and refer it to the planning commission (4 votes)

13. Public Hearings: None

14. Other Business:

A. Conditional use permits for small cell wireless facilities near the following intersections:

- Linner Road and Tammer Lane
- Holdridge Drive and Post Road
- Indian Circle West and Council Circle
- Lake Street Extension and Hull Road
- Pioneer Road and Merilee Lane
- Baker Road and Deerwood Drive

Recommendation: Adopt the resolution approving the conditional use permits (4 votes)

B. SAFER Grant Application and Fire Department Staffing

Recommendation: Informational only (No formal action is required)

15. Appointments and Reappointments:

A. Appointments and reappointments to the Minnetonka Senior Advisory Board

Recommendation: Approve the recommended reappointments and appointments (4 votes)

16. Adjournment

**Minutes
Minnetonka City Council
Monday, March 22, 2021**

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

4. Approval of Agenda

Calvert moved, Schack seconded a motion to accept the agenda with addenda to Item 13.C. All voted "yes." Motion carried.

5. Approval of Minutes:

A. February 22, 2021 regular meeting

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

B. March 8, 2021 regular meeting

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

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings.

Wiersum asked if the April city council meetings would be held in person or virtually. Barone stated the intent was to hold the April 12, 2021 meeting virtually and the April 19, 2021 worksession meeting in person. She explained staff was making arrangements so that May meetings could be held in person.

Carter offered her condolences and solidarity with the Asian community members, Asian-Americans, and Pacific Islanders. She asked for all to stand against the insidious violence that has gone against this community and so many others. She encouraged people to find their voice and to stand beside the Asian community, who has been invisible and unrecognized. It was her hope the city could lead the community in this way.

Calvert echoed Councilmember Carter's comments. She stated there has been a great uptick against specific groups of people and unfortunately the Asian community was the latest recipient of this hateful attention.

Calvert wished everyone a very happy and healthy Passover, which starts on Saturday, March 27, 2021.

Schaepfi stated the seasons have changed and he encouraged Minnetonka residents to get outside and enjoy the city's park and trails. He reported an informal bicycle ride would be held in April across the city to look at infrastructure and bicycle parking. He thanked staff for promoting bicycling in the community. He noted he purchased an e-bike and used it to take his daughter to daycare this morning.

Wiersum thanked Councilmember Carter and Councilmember Calvert for their words. He stated he stood in solidarity with his Asian brothers and sisters. He noted there has been a rise in violence against Asian Americans that is irrational. He commented all bias and hate was irrational. He stated hate has no place in Minnetonka. He indicated the BIPOC community needs to be supported, along with the LGBTQ community. He commented prejudice and bias against anyone was un-American. He wanted to see this community welcoming and thriving in order to truly succeed. He encouraged people to speak up when they see things that are inappropriate.

Wiersum stated he had a positive meeting with Hennepin County Commissioner Chris LaTondresse.

8. Citizens Wishing to Discuss Matters not on the Agenda

Jen Bouchard, resident of Minnetonka, thanked the council for their service to the city, especially over the past year. She discussed how challenging the last year has been. She thanked Mayor Wiersum, Councilmember Calvert and Councilmember Carter for their comments. She understood it was not always easy to take a stance on tough issues. She read a prepared statement to the city council and urged the council to issue an official statement. Her statement encouraged the council to denounce the anti-LGBTQ actions that have occurred in Minnetonka recently. She discussed how the recent hate crimes against the

Asian community has impacted the community. She noted the City of Hopkins and the City of Golden Valley had issued formal statements, along with the Hopkins School District. She commented further on how an issued statement would show support to all community members in Minnetonka. She thanked the council for breaking the silence barrier and for speaking out this evening.

9. Bids and Purchases:

A. Bids for the Ridgedale Area Park Improvements Project

City Manager Geralyn Barone gave the staff report.

Coakley requested further information regarding the role of a construction manager. Park and Trail Planner Carol HejlStone explained a construction manager would help staff look through the plans to find areas where project costs can be reduced, while also assisting with simplifying the scope of the project.

Coakley questioned how the construction manager would be appointed. HejlStone reported the city would receive proposals for construction management services. These proposals would be reviewed by staff and the council would make a recommendation on the construction manager. Barone indicated the city would hire a private firm to act as the construction manager, as was done with the public safety facility.

Kirk moved, Calvert seconded a motion to reject all bids. All voted "yes." Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution for the Excelsior Boulevard Storm Sewer Improvement Project

Schack moved, Calvert seconded a motion to adopt Resolution 2021-024. All voted "yes." Motion carried.

B. Collective Bargaining Agreement between the City of Minnetonka and Law Enforcement Labor Services, Inc. – Police Sergeants

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

11. Consent Agenda – Items requiring Five Votes:

A. Emergency ordinance relating to outdoor dining

Calvert moved, Schack seconded a motion to adopt Ordinance 2021-05. All voted "yes." Motion carried.

12. Introduction of Ordinances: None

13. Public Hearings:

A. 2021 Community Development Block Grant Funds – Urban Hennepin County Allocation

Community Development Director Julie Wischnack gave the staff report.

Coakley asked if a resident does not have access to internet services, what ways does the city advertise these resources to the community. Wischnack explained people find out about the city programs after calling Resource West, ICA or the city. She anticipated most clients learn about programs and available resources by calling the city. She commented further on how staff determines which program will best suit the needs of each client.

Schack questioned if the transfer of title occurred because of a divorce or estate matter, would that be a triggering event. Wischnack reported this would depend on the situation and how the title needed to transfer. She indicated if there was a new mortgage this would be a prompting.

Coakley inquired if residents could apply for funds more than one time. Wischnack stated a resident could only have one CDBG loan at a time.

Wiersum asked what the income requirements were for these grant programs. Wischnack explained each program had different guidelines.

Wiersum opened the public hearing.

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

Kirk moved, Schack seconded a motion to hold the public hearing, adopt Resolution 2021-025, and authorize the negotiation of any related agreements. All voted "yes." Motion carried.

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Toma Mojo Grill, LLC., at 12977 Ridgedale Drive

City Manager Geralyn Barone gave the staff report.

Wiersum requested comment from the applicant.

Michael Knox, the applicant, stated he was the owner and general manager of Toma Mojo Grill. He thanked the council for considering his request. He explained he has over 25 years in the hospitality industry. He stated he was excited to launch a fast casual restaurant in Minnetonka. He then reviewed the Spanish-Portuguese inspired menu with the council.

Wiersum opened the public hearing.

Schack stated she loved that a new restaurant was coming to Minnetonka in Ward 2. She believed this restaurant would be a great fit to the Ridgedale area.

Calvert explained she loved eating out and looked forward to having this new restaurant in the community. She appreciated the courage it took to open a new restaurant at this time and wished Mr. Knox all the best.

Schaeppi thanked the applicant for selecting and investing in the City of Minnetonka.

Wiersum discussed how the pandemic had impacted small businesses and restaurants over the past year. He noted a good number of restaurants had been lost. He reported now was an excellent time to clean the slate and start anew. He was pleased to see this new restaurant coming to the community.

Calvert moved, Schack seconded a motion to open the public hearing and continue to April 26, 2021. All voted "yes." Motion carried.

C. Items concerning Duke's on 7, LLC., at 15600 State Highway 7

1) Conditional use permit, with setback variance, for an expanded outdoor seating area at 15600 Highway 7

City Planner Loren Gordon gave the staff report.

Wiersum asked if the conditional use permit should be voted on separately from the liquor license. Gordon recommended the items be voted on separately.

David Benowitz, the applicant, thanked the council for considering his request. He stated he was looking to expand the current patio setup noting fencing would be installed.

Calvert stated she was looking forward to this new restaurant opening in Minnetonka. She reported the menu looked appealing and she appreciated the fact the restaurant was dog friendly.

Schaeppi thanked the applicant for their collaborative efforts and for reaching out to the city, along with the neighbors to the north. He encouraged the applicant to consider having bike parking for patrons that may wish to visit the restaurant in the summer months on their bicycle.

Carter thanked Duke's for coming in and being an example of how to work with the city, the neighbors, and also for investing in the community.

Wiersum agreed this was an exciting project. He welcomed Duke's to the City of Minnetonka.

Calvert moved, Carter seconded a motion to adopt Resolution 2021-026 approving the conditional use permit, with variance. All voted "yes." Motion carried

2) On-sale intoxicating liquor license for Duke's on 7, LLC, located at 15600 State Highway 7

City Manager Geralyn Barone gave the staff report.

Wiersum reported the public hearing was open.

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

Calvert moved, Kirk seconded a motion to continue the public hearing from February 22, 2021 and grant the licenses. All voted "yes." Motion carried

14. Other Business:

A. Police department mental health unit and Case Assessment Management Program (CAMP) update

Police Chief Scott Boerboom, Community Engagement Officer Scott Marks and Senior Social Worker Jessica Angeles gave the staff report.

Calvert noted these were unusual times and understood the pandemic has impacted mental health in Minnetonka. She hoped the pandemic would subside in the coming months and asked if the number of calls for mental health services would remain the same, or if the numbers would be declining. Marks explained he did not believe the numbers have leveled off yet. He commented the department was already seeing a rise in mental health calls prior to the pandemic. He was hoping to see things leveling off in the next several years. He commented on how there was a need for more mental health resources in the

community. Angeles reported the department was catching only a small portion of the cases that she could be working on. She noted the number of referrals last year was closer to 1,600. She stated after a big shared crisis, like the pandemic, she anticipated it would take two to five years to see the full impacts on individual's mental health.

Schack thanked staff for the detailed presentation. She stated she was very proud of the great work that was being done. She asked if people's perception of calls for service and the reclassification of these calls has changed how the general department walks into a situation. She questioned if there were any corresponding changes to the calls for service in the city. Marks reported the number of calls for service in the city has remained static for the past several years. He explained there has been an adjustment in how officers were walking into mental health calls. He noted officers were better trained and were looking for this. He stated there were more resources available, versus just sending them to the hospital or jail.

Schaeppi stated he deeply appreciated the great work being done by the police department and Ms. Angeles. He explained this was serious work that he has witnessed firsthand. He indicated this was a crisis and he anticipated there were a large number of mental health incidents that occur in the community on a daily basis where individuals do not call 911. He requested comment on the differences between self-harm and harming others. Marks described how the department views self-harm noting it was isolated away from suicidal behaviors. Angeles explained harm to others has more to do with psychotic symptoms.

Schaeppi asked if there was any funding available to assist the police department in providing mental health services. Boerboom explained the department received a grant from the Minnetonka Family Collaborative for the past two years, which helps pay a portion of Ms. Angeles contract. He stated he would continue to seek opportunities for dollars.

Coakley commended Officer Marks and Ms. Angeles for their great work on behalf of the community. She understood this was very difficult work, explaining she worked for 15 years as a case manager. She requested further information regarding the Crisis Intervention Training. She inquired if any culture specific training was being done in the department. Marks reported the 40 hour CIT training was put on by Minnesota CIT which was an organization run by law enforcement and mental health professionals. He indicated this was the most established CIT training organization in the state, noting it has been around for the past 20 years. He reported the cultural component was incorporated into the CIT training. He stated he was a licensed therapist and he gets asked lots of questions from officers regarding this matter.

Coakley questioned how this program addresses the killing of BIPOC individuals facing a mental health crisis. Boerboom reported this was a challenge the department has when responding to mental health calls, with or without weapons. He explained his officers are trained to slow things down because this allows officers to assess things in a different way. He commented officers need to assess why they were at a call and does the police need to be at this call. He discussed the new State Statute regarding police use of force that was approved on May 1, 2021. He stated absent the state law, his department works to slow mental health calls down. He reported he would continue to identify ways to address these calls in order to prepare officers how to address those facing a mental health crisis. He indicated he would continue to train in order to do a better job. Angeles commented part of this program was redirecting people to alternative services other than the police.

Kirk thanked the police department, its officers and Ms. Angeles for all they do to address mental health in the community. He appreciated the proactive approach the department took and believed it was being done in an equitable way. He asked if the calls for service for those under 18 was coming from the school and if so, what role did the SRO (School Resource Officer) play in these calls. Marks explained very few calls come from the schools. He noted some of the charter schools have calls for service, along with Omegon. He stated the department had one SRO remaining that worked at the Minnetonka High School. He explained a lot of the situations within the schools are being managed by the school and the officer is not involved, intentionally. He commented the presence of officers can escalate situations, and this is avoided in the school area when possible.

Calvert stated she had so much admiration and respect for this work. She indicated she was at a presentation that had to do with the availability of mental health services in Minnesota, and understood Minnesota was one of the most underserved states in the country when it comes to psychiatrists, psychiatric care and psychiatric beds. She believed the city needed to make it easier for people to enter this type of work. She discussed how the pandemic was adding to the stressors and isolation that triggers mental health episodes. She reported the state needs more money for mental health care.

Wiersum thanked Police Chief Boerboom, Officer Marks and Ms. Angeles for their detailed presentation and for their proactive work on behalf of the community. He indicated this was such an enormous topic and there was such a tremendous need for mental health services. He stated at the Regional Conference of Mayors he received a presentation on mental health and the transport of individuals in greater Minnesota. He anticipated the city council would continue to have to advocate for mental health resources given this was a pervasive issue.

Informational only. No formal action required.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 9:05 p.m.
All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk

**Minutes
City of Minnetonka
City Council Study Session
Monday, March 15, 2021**

Council Present: Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi and Mayor Brad Wiersum.

Staff: Geralyn Barone, Mike Funk, Corrine Heine, Julie Wischnack, Loren Gordon, Jim Flanders, John Vane

Guests: Eric Waage

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

1. Reports from City Manager & Council Members

Barone summarized the changes to the meeting packet contained in the addenda. She noted the Williston Fitness Center and Minnetonka Ice Arena are now able to operate at fifty percent capacity, as per Governor Walz' most recent executive order regarding health and safety guidelines. Barone reported on the upcoming registration for summer recreation programs. Lastly, Barone stated the next regular city council meeting is scheduled for Monday, March 22.

Calvert reported she watched the city's virtual employee recognition event, and offered her comments on it. She congratulated the city employees who were recognized.

Wiersum also commented on the virtual employee recognition event, noting both residents and employees faced challenges in 2020. He then reported on the League of Minnesota Cities' virtual Congressional City Conference.

2. Emergency management overview

Barone introduced the topic, stating Fire Chief John Vance is the city's Emergency Management Director, and Assistant Fire Chief Jim Flanders is the city's Emergency Management Manager. She noted Flanders was selected by his peers to receive the 2021 Spirit of Minnetonka Award for his health and safety efforts in 2020, both within the organization and across the city.

Vance and Waage, the Hennepin County Emergency Management Director, gave a presentation covering the purpose, roles, and responsibilities of emergency management.

Councilmembers offered questions and comments.

3. Licensed residential care facilities

Gordon gave a presentation covering how licensed residential care facilities are currently regulated, and what local controls exist for the city to implement.

Councilmembers offered questions and comments.

**Minutes
City of Minnetonka
City Council Study Session
Monday, March 15, 2021**

Council requested more information be provided about interim use and conditional use permits, in order to make an informed decision on an appropriate capacity limit for a licensed residential care facility in a residentially-zoned area.

Barone stated more information regarding these policy options would be presented at a future regular meeting of the city council, along with a communications plan for soliciting public input.

4. Doran Development – 5959 Shady Oak Road project

Wischnack gave a presentation covering the Doran Development project at 5959 Shady Oak Road, the current affordability proposal for the development, the affordability proposal recommended by city staff, the city's current Affordable Housing Policy, and the Tax Increment Financing Pooling Funds Policy.

Councilmembers offered questions and comments.

Wischnack thanked council for their feedback, and stated the developer will take that feedback and use it to return to the council with a revised affordability proposal.

5. Adjournment

Wiersum adjourned the meeting at 10:29 p.m.

Respectfully submitted,

Kyle Salage
Elections Specialist



City of Minnetonka Proclamation

Earth Day
Thursday, April 22, 2021

WHEREAS, the global community now faces extraordinary environmental challenges, such as climate change, global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people have a moral right to a healthy, clean, and sustainable environment with economic growth; and

WHEREAS, it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS, a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS, it is necessary to broaden and diversify this global movement to achieve maximum success; and

WHEREAS, Earth Day, established in 1970, constitutes the beginning of a new year for environmental stewardship commitments, sustainability efforts, and a commitment to an Earth Day proclamation; and

FURTHERMORE, let it be known that the Minnetonka City Council hereby encourages its residents, businesses and institutions to use this EARTH DAY to celebrate the Earth and commit to building a sustainable and green economy;

NOW THEREFORE LET IT BE PROCLAIMED, the Minnetonka City Council hereby pledges this Earth Day, Thursday, April 22, 2021, to support green economy initiatives in Minnetonka, MN and to encourage others to undertake similar actions.

Brad Wiersum, Mayor

April 12, 2021



City of Minnetonka Proclamation

Arbor Day
Friday, April 30, 2021

- WHEREAS, our trees and forests brighten Minnetonka's future by creating jobs, providing recreational settings, increasing property values, and making our city more livable; and
- WHEREAS, our trees and forests enrich society by building strong community ties, reducing crime, and providing common meeting places; and
- WHEREAS, our trees and forests strengthen our lives by providing lumber for building homes, fiber for producing paper, foliage for decorating, and food for eating; and
- WHEREAS, our trees and forests enhance our environment by moderating climate, improving air and water quality, conserving water and energy, sheltering wildlife and benefitting pollinators; and
- WHEREAS, each year, on the last Friday in April, volunteers and city staff plant trees to invigorate the urban forest and all the natural resources they represent, and dedicate themselves to the continued health of our state's community and rural forests.

NOW THEREFORE BE IT RESOLVED that the Minnetonka City Council hereby proclaims Friday, April 30, 2021, as "Arbor Day" and the month of April as "Arbor Month" in the city of Minnetonka.

Brad Wiersum, Mayor

April 12, 2021

**City Council Agenda Item #9A
Meeting of April 12, 2021**

Brief Description: Bids for the Ridgemount Avenue Improvements Project

Recommended Action: Award the contract

Introduction

Ridgemount Avenue lies on the border of Minnetonka and Plymouth, with approximately 50% of the roadway within each city. Due to the location of this roadway and in an effort to reduce cost and disturbance to residents, a joint project between Minnetonka and Plymouth has been planned.

On April 6, 2020, council approved a joint powers agreement with Plymouth to establish the responsibilities and costs associated with the planning, design and construction of the project. The agreement specifies that Minnetonka will lead the project design and administer the construction contract. The agreement also requires that Plymouth will provide construction inspection for their share of the work and reimburse Minnetonka for incurred costs.

On Jan. 25, 2021, the city council adopted a resolution accepting the plans and specifications and authorizing the advertisement for bids for the Ridgemount Avenue Improvements Project.

The Ridgemount Avenue Improvements Project proposes street and utility improvements to correct deficiencies of the aged street and underlying utilities. The proposed improvements also include the replacement of aged trails and upgrades to pedestrian crossings.

Bid Opening

Bids were opened electronically for the project on Feb. 26, 2021. Eight bids were received in response to the call for bids and the results are as follows:

Contractor	Total Bid
Bituminous Roadways Inc.	\$3,089,499.05
Valley Paving, Inc.	\$3,123,123.00
Northdale Construction Company, Inc.	\$3,208,581.48
GMH Asphalt Corporation	\$3,276,378.27
Northwest	\$3,310,542.21
Park Construction Company	\$3,311,570.68
Geislinger & Sons	\$3,692,490.76
Lametti and Sons, Inc.	\$4,891,700.00
<i>Engineer's Estimate</i>	<i>\$ 4,099,820.50</i>

The low bidder, Bituminous Roadways Inc. has satisfactorily completed similar projects in Minnetonka.

Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration and contingency, is \$4,080,000. Street improvement costs are shared by Minnetonka and Plymouth; however, utility costs are based on the specific utility improvements occurring within each city. The budgeted amount for the project is shown below and is included in the 2021 – 2025 Capital Improvements Program (CIP). Fund balances currently can support the estimated project costs.

	Budget Amount	Proposed Funding	Expense
Construction Costs			\$3,100,000
Contingencies			\$500,000
Engineering, Administration, and Indirect Costs			\$480,000
City of Minnetonka			
Street Improvement Fund	\$1,500,000	\$1,140,000	
Utility Fund	\$1,580,000	\$1,150,000	
Storm Sewer Fund	\$90,000	\$90,000	
City of Plymouth	\$1,700,000	\$1,700,000	
Total Budget	\$4,870,000	\$4,080,000	\$4,080,000

Schedule

If the recommended actions are approved by council, construction is expected to begin in May and be completed by October. The project is planned to be completed in multiple phases to provide residents with better access throughout the project and will be communicated to council and residents ahead of construction start. Various communication strategies will continue to be used throughout the project including signage, text alerts, email updates, citizen alerts and newsletters.

Recommendation

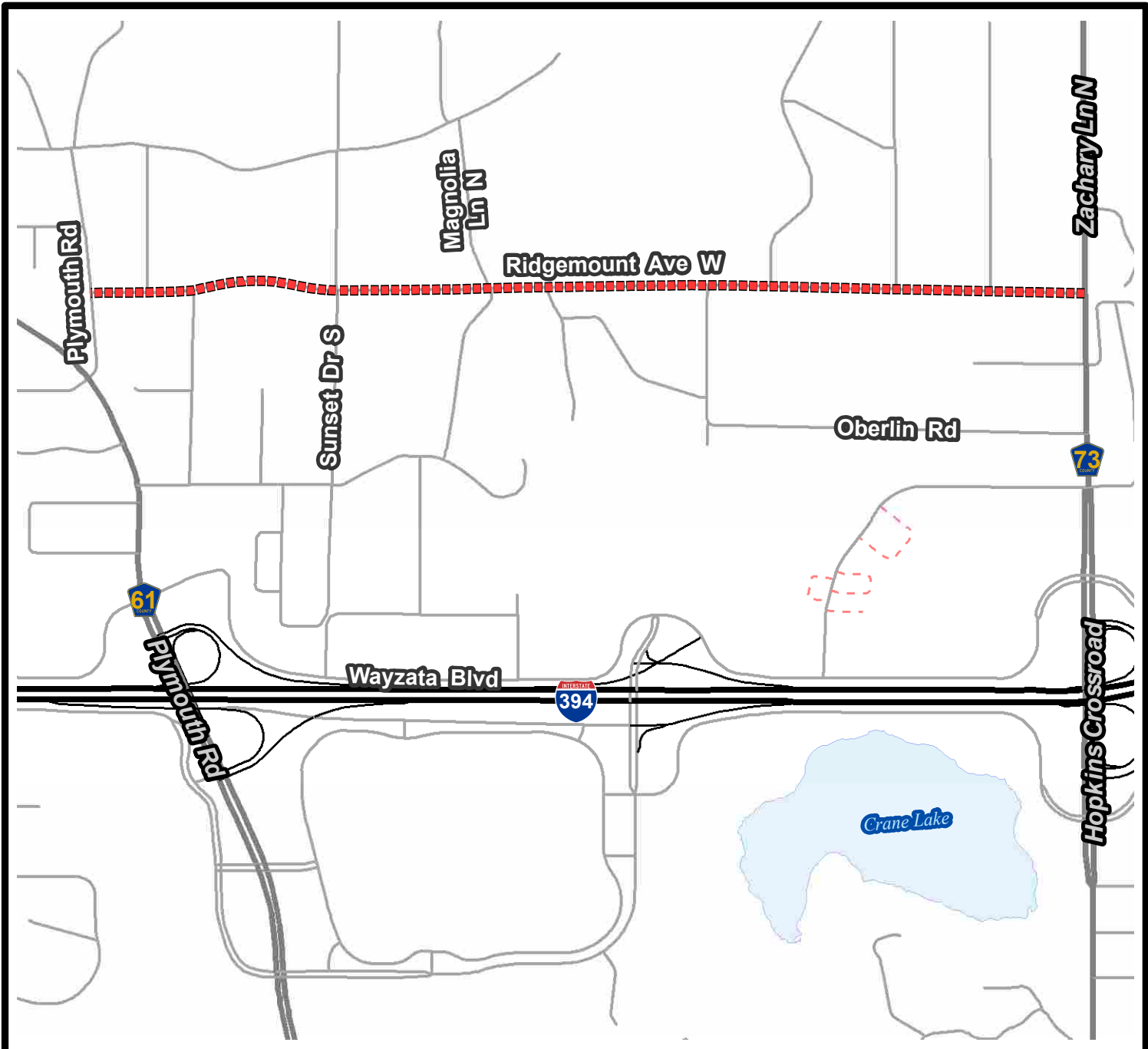
1. Award the contract for the Ridgemount Avenue Improvements Project No. 21407 to Bituminous Roadways Inc. in the amount of \$3,089,499.05.
2. Authorize the city engineer to expend the allocated funds for project costs, without further council approval, provided the total project costs do not exceed the project budget of \$4,080,000.

Submitted through:

Geralyn Barone, City Manager
Darin Nelson, Finance Director
Will Manchester, PE, Director of Public Works
Phil Olson, PE, City Engineer

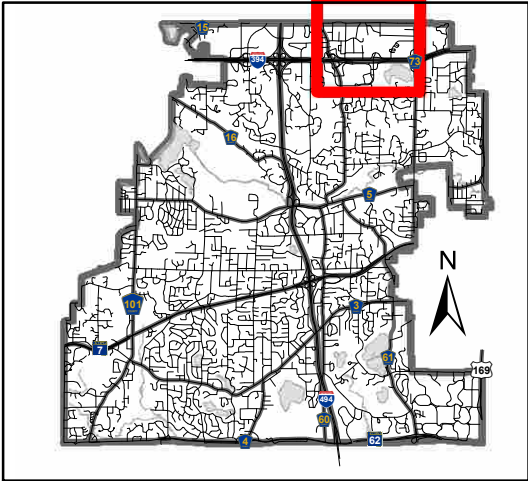
Originated by:

Mitch Hatcher, PE, Engineering Project Manager



2021 Street Reconstruction

■■■■■ Ridgemount Avenue West



This map is for illustrative purposes only.

2021 Street Rehabilitation Funding Summary

Funding Sources		Proposed Funding		Balance
	2021 CIP	Ridgemount Avenue	Groveland-Bay	
Street Improvement Fund - Local Street Rehab	\$ 5,900,000	\$ 1,140,000	\$ 4,400,000	\$ 360,000
Utility Fund	\$ 4,500,000	\$ 1,150,000	\$ 2,680,000	\$ 670,000
Storm Sewer Fund	\$ 1,550,000	\$ 90,000	\$ 1,370,000	\$ 90,000
Electric Franchise Fund	\$ 300,000	\$ -	\$ 250,000	\$ 50,000
Plymouth Share of Ridgemount Avenue	\$ 1,700,000	\$ 1,700,000	\$ -	\$ -
Total Project Cost	\$ 13,950,000	\$ 4,080,000	\$ 8,700,000	\$ 1,170,000

**City Council Agenda Item #9B
Meeting of April 12, 2021**

Brief Description: Bids, resolution and agreement for the Groveland-Bay Improvements Project

Recommended Action: Award the contract, adopt the resolution, and approve the agreement

Introduction

On Jan. 25, 2021, the city council adopted a resolution receiving plans and specifications and authorizing the advertisements for bids for the Groveland-Bay Improvements Project. The Groveland-Bay Improvements Project proposes street and utility improvements to correct deficiencies of the aged street and underlying utilities. The proposed improvements also include the extension of new sidewalk along Groveland School Road. The project includes:

- Abel Lane
- Bay Circle
- Bay Lane
- Bay Street
- Beechwood Avenue
- Charmy Downs
- Copperwood Lane
- Grays Bay Boulevard
- Groveland Place
- Groveland School Road
- Leroy Street
- Lowell Street
- McKenzie Point Road
- Therese Street

Bid Opening

Bids were opened electronically for the project on March 4, 2021. Five bids were received in response to the call for bids, and the results are as follows:

Contractor	Total Bid
Bituminous Roadways Inc.	\$6,796,683.53
Minger Construction	\$6,967,786.85
Park Construction Company	\$7,093,479.16
GMH Asphalt Corporation	\$7,761,597.15
Meyer Contracting Inc.	\$8,199,453.19
<i>Engineer's Estimate</i>	<i>\$6,874,502.65</i>

The low bidder, Bituminous Roadways, Inc., has satisfactorily completed projects in Minnetonka.

Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration and contingency, is \$8,700,000. The budgeted amount for the project is shown below and is included in the 2021 – 2025 Capital Improvements Program (CIP). Fund balances currently can support the estimated project costs.

	Budget Amount	Proposed Funding	Expense
Construction Costs			\$6,800,000
Contingencies			\$730,000
Engineering, Administration, and Indirect Costs			\$920,000
Overhead Power Burial			\$250,000
Street Improvement Fund	\$4,400,000	\$4,400,000	
Utility Fund	\$2,920,000	\$2,680,000	
Storm Sewer Fund	\$1,460,000	\$1,370,000	
Electric Franchise Fund	\$300,000	\$250,000	
Total Budget	\$9,080,000	\$8,700,000	\$8,700,000

No Parking

There is currently traffic congestion along Groveland School Road due to on-street parking adjacent to Groveland Elementary School. Currently, parking is restricted from 8:15 to 9:00 a.m. and 3:00 to 4:00 p.m. during school pick-up and drop-off times. Based on comments and feedback from the neighborhood and support from Groveland Elementary School, staff is recommending full no-parking along Groveland School Road from Minnetonka Boulevard to 780 feet north as detailed in the resolution and figure. North of Groveland Elementary School and throughout the neighborhood, parking is restricted from 7:00 a.m. to 7:00 p.m. and no changes are proposed.

Overhead Power Burial

Staff has been working with Xcel Energy to bury overhead power along Groveland School Road from Minnetonka Blvd to approximately 750 feet north. Staff is proposing burial along this short segment of roadway based on its location adjacent to the school and church, and it acting as a collector segment of roadway. Xcel Energy has prepared the attached statement of work, which requires city payment of 50 percent of the estimated costs up-front before work begins. Once the project is complete, Xcel Energy bills the city for the remainder of the actual project costs. These costs are proposed to be paid from the city's Electric Franchise Fee Fund and are already included within the city's adopted CIP.

Xcel Energy is requesting execution of their standard agreement for the statement of work, which outlines the conditions for overhead power line burial along the corridor. The city attorney has reviewed this standard agreement.

Easements

Permanent easements are required from three properties to construct and maintain new storm sewer infrastructure. Staff is working to obtain easements required for the project and a formal easement acquisition process is being pursued for two properties to obtain the easements ahead of construction activity.

Schedule

If the recommended actions are approved by council, construction is expected to begin in late April or early May. The project is planned to be completed in multiple phases to provide residents with better access throughout the project and will be communicated to council and residents ahead of construction start. Various communication strategies will continue to be used to communicate this information including signage, text alerts, email updates, citizen alerts and newsletters.

Recommendation

1. Award the contract for the Groveland-Bay Improvements Project No. 21401 to Bituminous Roadways, Inc. in the amount of \$6,796,683.53.
2. Authorize the city engineer to expend the allocated funds for project costs, without further council approval, provided the total project costs do not exceed the project budget of \$8,700,000.
3. Adopt the resolution authorizing a No Parking zone and the installation of No Parking signs on Groveland School Road
4. Authorize the mayor and city manager to execute an agreement with Xcel Energy, subject to non-material changes as approved by the city engineer and city attorney, in the amount of \$139,116.00 for the Groveland-Bay Improvements Project No. 21401.

Submitted through:

Geralyn Barone, City Manager
Darin Nelson, Finance Director
Will Manchester, PE, Director of Public Works
Phil Olson, PE, City Engineer

Originated by:

Mitch Hatcher, PE, Engineering Project Manager

Resolution No. 2021-XXX

Resolution authorizing a No Parking zone and the installation of No Parking signs on Groveland School Road

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

Section 1. Background.

1.01. Through staff recommendation, a No Parking zone is required at the following location:

- a. Groveland School Road from Minnetonka Boulevard to 780 feet north.

Section 2. Council Action.

2.01. The request and recommendation is hereby received and the City Council does authorize the installation of "No Parking" signs at the following location:

- a. Groveland School Road from Minnetonka Boulevard to 780 feet north.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 12, 2021.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

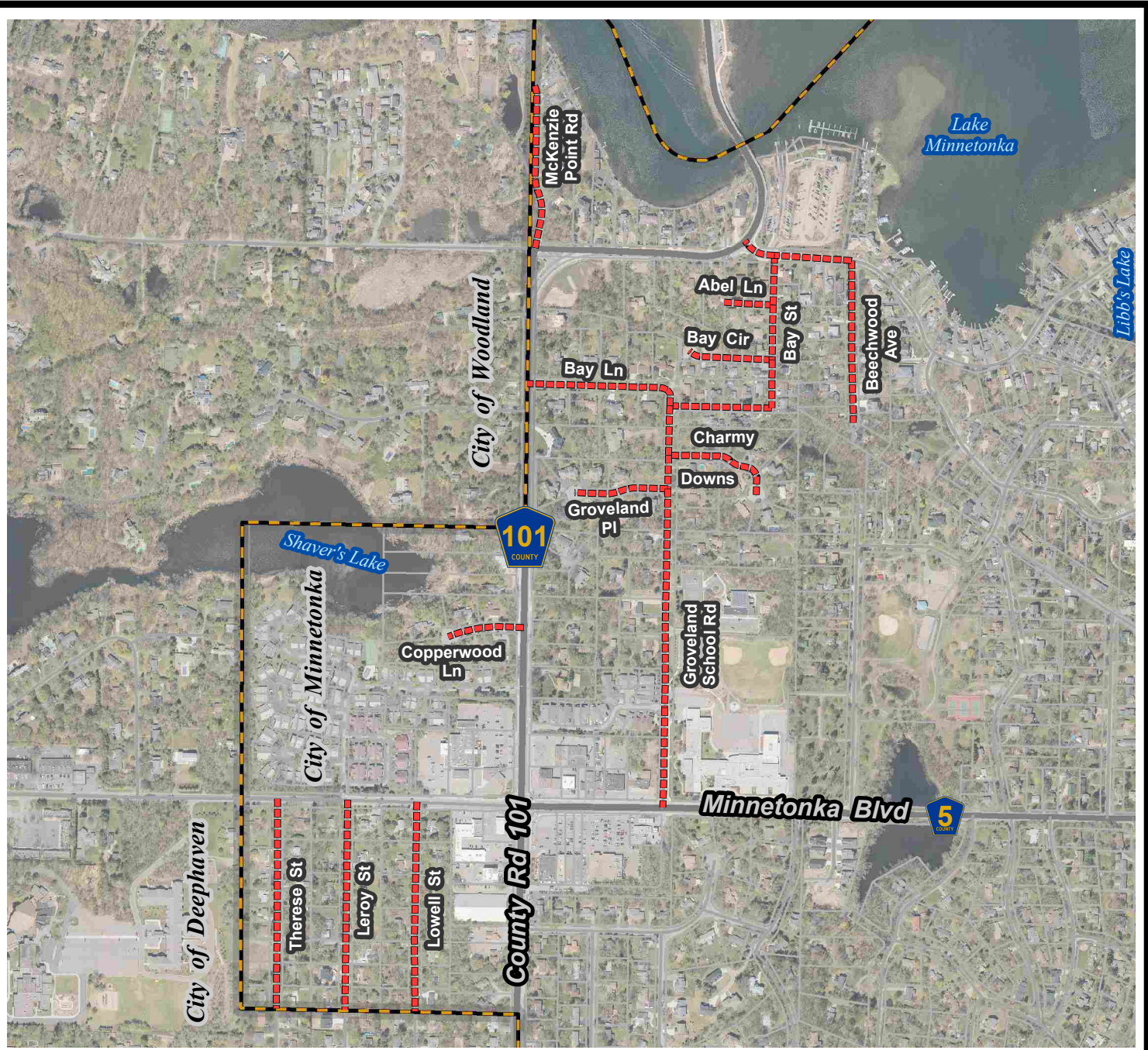
Voted against:

Abstained:

Absent:

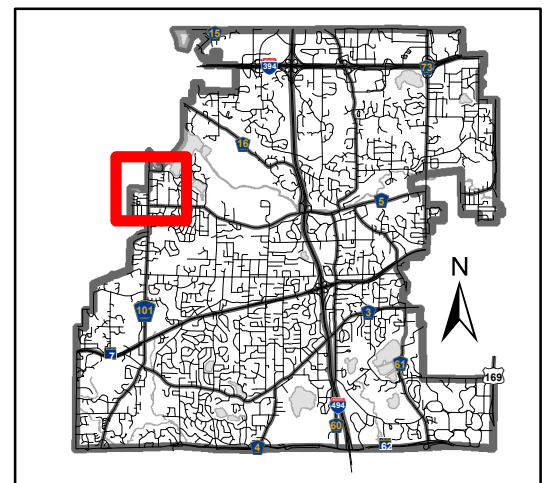
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 12, 2021.

Becky Koosman, City Clerk



Groveland-Bay Improvements Project

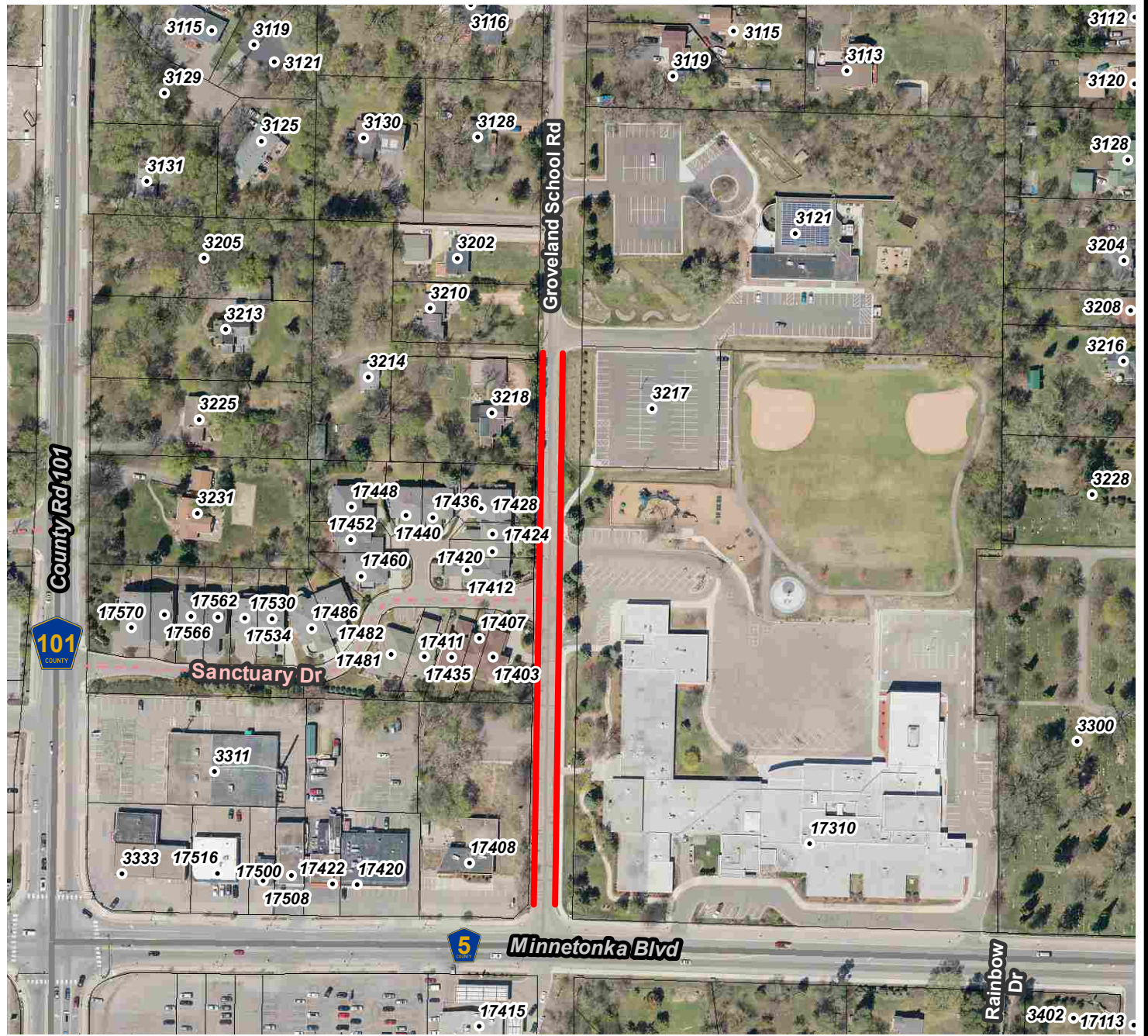
- - - - - Street Reconstruction
- Municipal Boundary Line



This map is for illustrative purposes only.

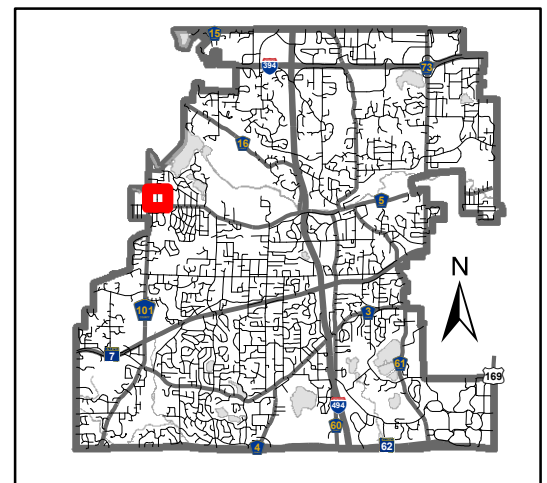
2021 Street Rehabilitation Funding Summary

Funding Sources		Proposed Funding		Balance
	2021 CIP	Ridgemount Avenue	Groveland-Bay	
Street Improvement Fund - Local Street Rehab	\$ 5,900,000	\$ 1,140,000	\$ 4,400,000	\$ 360,000
Utility Fund	\$ 4,500,000	\$ 1,150,000	\$ 2,680,000	\$ 670,000
Storm Sewer Fund	\$ 1,550,000	\$ 90,000	\$ 1,370,000	\$ 90,000
Electric Franchise Fund	\$ 300,000	\$ -	\$ 250,000	\$ 50,000
Plymouth Share of Ridgemount Avenue	\$ 1,700,000	\$ 1,700,000	\$ -	\$ -
Total Project Cost	\$ 13,950,000	\$ 4,080,000	\$ 8,700,000	\$ 1,170,000



Groveland School Road

 No Parking



This map is for illustrative purposes only.



**STATEMENT OF WORK REQUESTED
BY COUNTY, CITY, TOWN OR TOWNSHIP
FOR PROJECTS WITH ESTIMATED
CONSTRUCTION COSTS OVER \$25,000**

DATE: February 24th, 2021

WORK REQUESTED BY: City of Minnetonka
(“Municipality”)

WORK LOCATION: Groveland School Rd

ADDRESS: 14600 Minnetonka, MN 55345

CONSISTING OF:

The following shall constitute the "Work" to be performed by Xcel Energy:
The conversion of overhead facilities to underground facilities along Groveland School Rd, from Minnetonka Blvd and approximately 750 feet north. Since the City of Minnetonka is requesting Xcel Energy to relocate/bury facilities, Xcel Energy will need to make necessary changes to our system to meet our operating standards.

Municipality agrees to pay Xcel Energy for Xcel Energy's actual total cost of the Work, subject to the Municipality's right of cost review in accordance with the terms of this Statement of Work ("Statement"). The current estimate for the Work is \$ 139,116.00 ("Estimate").
The estimate is comprised of the following major components:

Component	Sub-estimate
<hr/>	
Final Estimate: \$144,116 - \$5,000 (engineering fee already paid) = \$139,116	A) REPLACE 3 PHASE LBC FROM A TWO FUSED POSITION LBC TO A THREE FUSED POSITION LBC. B) REPLACE 3PH OH TRANSFORMER FEEDING BUSINESSES IN STRIP MALL AT CORNER OF MINNETONKA BLVD AND GROVELAND SCHOOL RD (CITY TO COVER THE COST TO BRING CUSTOMER-OWNED SERVICES INTO PADMOUNTED TRANSFORMER) C) REPLACE 3 SINGLE PHASE OVERHEAD TRANSFORMERS WITH PADMOUNTED TRANSFORMERS TO FEED CUSTOMERS ALONG WEST SIDE OF GROVELAND SCHOOL RD. D) CITY IS RESPONSIBLE FOR CONVERTING RESIDENTIAL SERVICES FROM OVERHEAD TO UNDERGROUND AT 3210.

Total:

The undersigned hereby requests and authorizes Xcel Energy to perform the Work. In consideration thereof and in lieu of a City Requested Facilities Surchage, the City agrees to pay Xcel Energy on the ("Statement"). The current estimate for the Work is (\$ 69,558.00) which is fifty (50) percent of the Estimate ("Down Payment").

All Work shall be performed pursuant to good utility practice (as that term is generally understood in the utility industry) utilizing Xcel Energy's commercially reasonable efforts to complete the Work within the Estimate under Xcel Energy's then current design standards, operating procedures, and safety procedures. The facilities installed or removed by Xcel Energy shall be the property of Xcel Energy and any payment by Municipality shall not entitle Municipality to any ownership interest or right therein. Municipality's and Xcel Energy's rights and obligations with respect to the facilities and services provided through the facilities are subject to the terms of this Statement, as well as the additional terms and conditions provided in the Xcel Energy Electric Rate Book, as now exists or may hereafter be changed, on file with the Minnesota Public Utilities Commission.



In advance of the Work, Municipality agrees to inform Xcel Energy of any Municipality-related or other projects that may affect the Work. During the Work, Xcel Energy agrees to provide the Municipality notice of any proposed change orders increasing the cost of the Work. Municipality acknowledges that change orders that result from request of Municipality with respect to the performance of the Work or the scope of the Work may increase Xcel Energy's actual cost of the Work. Upon Completion of the Work, Xcel Energy agrees to provide Municipality with final detail of the actual work performed and the actual costs of such work performed. Xcel Energy will identify any information included in such information that is non-public pursuant to Minn. Stat. Ch. 13. Upon request by Municipality, Xcel Energy shall provide Municipality the opportunity to review more detailed documentation of the Work performed and related costs.

Xcel Energy agrees to keep Municipality reasonably informed with respect to Xcel Energy's performance of the Work, consistent with good utility practice and will, at minimum, apprise Municipality when half of the Estimate has been spent and when ninety percent of the Estimate has been spent. Xcel Energy also agrees to timely notify the Municipality when the Work is substantially complete.

Upon receipt of the invoice for the cost balance, the City shall have the right to require that Xcel Energy provide reasonable cost support documentation, including change orders, for its actual total cost of the Work. The Municipality shall pay the balance of cost not subject to reasonable dispute within the timeframe set forth in the Minnesota Municipal Prompt Payment Act, Minn. Stat. 471-425. Xcel Energy and Municipality shall reasonably try to resolve any disputes with respect to costs incurred in performance of the Work in good faith. In the event Xcel Energy and Municipality are unable to resolve any such disputes, the parties may seek redress in a forum with jurisdiction over the dispute.

This Statement of Work is agreed to by Xcel Energy and Municipality and receipt of the above Down Payment of \$ _____ is hereby acknowledged on behalf of Xcel Energy.



Northern States Power Company
a Minnesota corporation ("Xcel Energy")

[Municipality]

Print Full Name and Title

Print Full Name and Title (if applicable)

Signature

Signature of Authorized Representative

Address:

Address:

Phone:

Phone:

E-mail:

E-mail:

Xcel Energy Work Order # _____

Estimated Construction \$ _____

Estimated Removal \$ _____

Estimated Total \$ _____

Form 17-7012

**City Council Agenda Item #9C
Meeting of April 12, 2021**

Brief Description: Bids for Opus Area Bridge Improvements – Phase II

Recommended Action: Award the contract

Introduction

On March 14, 2016, council approved a layout and initiated plans and specifications for 10 pedestrian bridges in the Opus area and the reversal of Red Circle Drive. Three of the 10 bridges were required to be constructed concurrently with the Southwest Light Rail Transit (SWLRT) project, and these were completed in 2020. The remaining seven bridges were proposed to be completed in future stages to reduce impacts to traffic operations.

In 2016, the city applied for state bridge bond money to assist with funding the replacement of 10 pedestrian bridges. This state grant funding allows for bridge components that are deemed eligible to be paid by the state. In 2018, the city was successful in the state allocating the allowable funding for the three bridges required to be constructed with the SWLRT, and this project was substantially completed in 2020.

In 2020, the city was again successful in securing state bridge bond funding for four additional bridges to be replaced in 2021. The 2020-2024 capital improvements program (CIP) reflects the funding for the upcoming bridge projects in the Opus area. Updates to the city's bridge replacement work will again be made in future years as additional state bond money is available.

Background

The four bridges proposed for replacement in 2021 allow grade separation for pedestrian trails through the Opus area and are located at Blue Circle Drive, Green Oak Drive, Green Circle Drive and Smetana Drive. A figure has been provided to illustrate the bridges included with this project.

Work associated with the bridge replacements and roadway work further includes relocation of existing water main, sanitary sewer and storm sewer.

Bid Opening

Bids were opened electronically for the project on Feb.11, 2021. Three bids were received in response to the call for bids, and the results are as follows:

Contractor	Total Bids
S.M. Hentges	\$4,568,310.32
Meyer Contracting	\$4,755,163.31
New Look Contracting	\$4,955,137.50
<i>Engineer's Estimate</i>	<i>\$4,711,599.15</i>

The low bidder, S.M. Hentges, has satisfactorily completed projects in Minnetonka.

Funding

The total estimated construction cost, including engineering, administration, easement acquisition and contingency, is \$6,500,000. The table below shows the funding necessary for the project, which is identified in the 2020 funding year in the 2020-2024 CIP.

As determined with the Minnesota Department of Transportation (MnDOT), the city will receive approximately \$1,712,203 of grant funding from state bridge funding (Motor Vehicle Leased Sales Tax (MVLST)) for the four bridges associated with this project.

	Budget Amount	Proposed Funding	Expense
Construction Costs			\$4,600,000
Contingency			\$600,000
Engineering and Administration			\$500,000
Easement Acquisition			\$800,000
State Bridge Bonds	\$2,200,000	\$1,700,000	
Street Improvement Fund	\$4,000,000	\$3,600,000	
Utility Fund	\$700,000	\$700,000	
Storm Water Fund	\$500,000	\$500,000	
Total Budget	\$7,400,000	\$6,500,000	\$6,500,000

Easements

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

Agreements

As noted, city staff was successful in obtaining \$1,712,203 in funding assistance for this project through the State of Minnesota. An agreement is necessary with MnDOT to define the grant requirements for this project. The city attorney has reviewed the attached agreement.

Schedule

If the recommended actions are approved by council, construction will begin in the spring and is planned for completion in the fall of 2021.

A future project involving the replacement of the remaining three bridges is currently programmed in the 2021-2025 CIP for funding in 2021 and 2022; however, the schedule for these bridges will depend upon the SWLRT project progress and the availability of state bridge bond funding. At this time, staff would not recommend proceeding with Phase III of bridge replacement without state bridge bond funding to assist with the construction costs.

Recommendation

- 1) Award the contract for the Opus Area Bridge Improvements – Phase II, Project No. 20406 to S.M. Hentges in the amount of \$4,568,310.32.
- 2) Authorize the city engineer to expend the allocated funds for project costs, without further council approval, provided that the total project costs do not exceed the project budget of \$6,500,000.
- 3) Adopt the attached resolution authorizing execution of the Local Bridge Replacement Program Grant Agreement, subject to non-material changes as recommended by the city attorney.

Submitted through:

Geralyn Barone, City Manager
Will Manchester, PE, Director of Public Works
Corrine Heine, City Attorney
Phil Olson, PE, City Engineer
Darin Nelson, Finance Director

Originated by:

Chris Long, PE, Assistant City Engineer

Resolution No. 2021-XXX

Resolution for grant agreement to state transportation fund (local bridge replacement program) grant terms and conditions for the Opus Area Bridge Improvements – Phase II project: SAP 142-594-009 / SAP 142-594-004 / SAP 142-594-007 / SAP 142-594-003

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

Section 1. Background.

- 1.01 The City of Minnetonka has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge Nos. 27C29, 27C28, 27C20, and 27C30; and
- 1.02 The Commissioner of Transportation has given notice that funding for this project is available; and
- 1.03 The amount of the grant has been determined to be \$1,712,203.55 by reason of the lowest responsible bid;

Section 2. Council Action.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 12, 2021.

Brad Wiersum, Mayor
ATTEST:

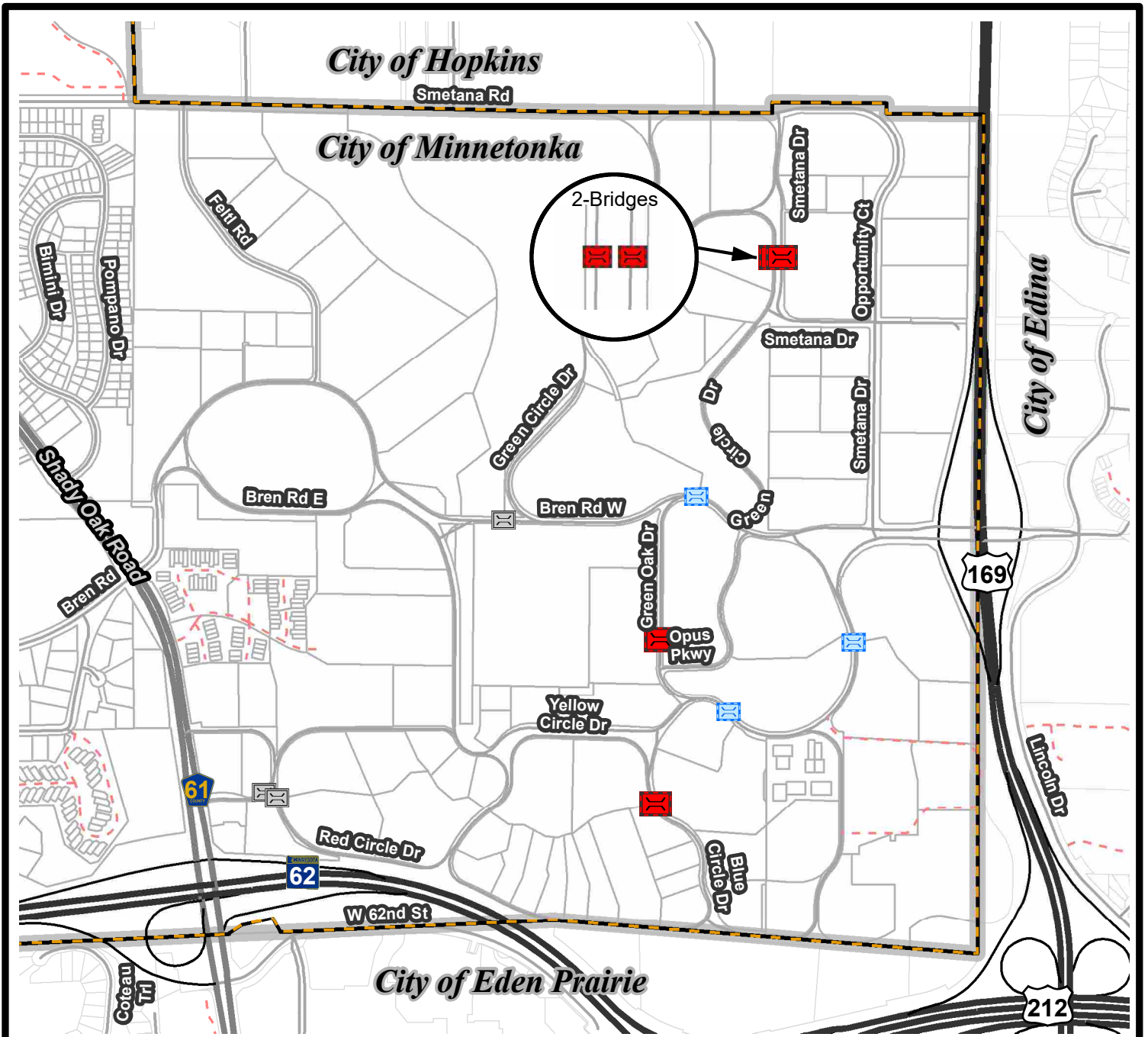
Becky Koosman, City Clerk

Action on this resolution:




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

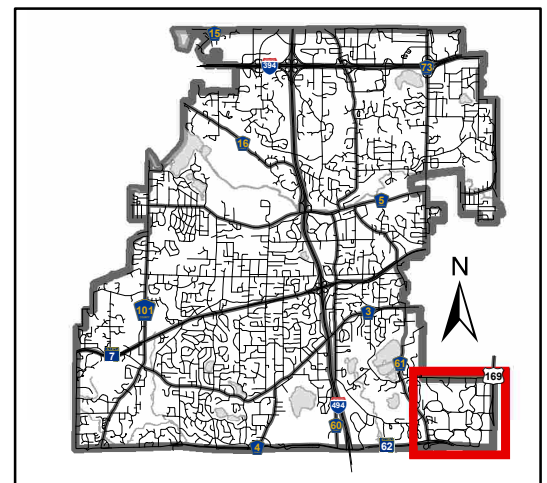
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 12, 2021.

Becky Koosman, City Clerk



Opus Area Bridge Improvements - Phase II

-  Existing Bridge
-  Proposed 2021 Bridge Replacement (4 Bridges)
-  Future Bridge Replacement (3 Bridges)



This map is for illustrative purposes only.

**LOCAL BRIDGE REPLACEMENT PROGRAM (LBRP)
 GRANT AGREEMENT**

This Agreement between the Minnesota Department of Transportation (“MnDOT”) and the Grantee named below is made pursuant to Minnesota Statutes Section 174.50 and pursuant to Minn. Laws 2020, 5th Special Session, Chapter 3- H.F. 1. The provisions in that section and the Exhibits attached hereto and incorporated by reference constitute this Agreement and the persons signing below agree to fully comply with all of the requirements of this Agreement. This Agreement will be effective on the date State obtains all required signatures under Minnesota Statutes §16C.05, subdivision 2.

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

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345
 Contact: Phil Olson

2. Project(s):

Name of Project & Project Number (See Exhibit C for location)	Amount of LBRP Funds	Amount of Required Matching Funds	Completion Date
Br No 27C29, SAP 142-594-009	\$318,530.69	\$296,715.34	March 30, 2023
Br No 27C28, SAP 142-594-004	\$462,410.70	\$892,824.09	March 30, 2023
Br No 27C20, SAP 142-594-007	\$486,654.75	\$1,083,598.96	March 30, 2023
Br No 27C30, SAP 142-594-003	\$444,607.41	\$582,968.38	March 30, 2023

3. Total Amount of LBRP Grant for all projects under this Agreement: \$ 1,712,203.55
4. The following Exhibits for each project are attached and incorporated by reference as part of this Agreement:

- Exhibit A-1 Completed Sources and Uses of Funds Schedule
- Exhibit A-2 Completed Sources and Uses of Funds Schedule
- Exhibit A-3 Completed Sources and Uses of Funds Schedule
- Exhibit A-4 Completed Sources and Uses of Funds Schedule
- Exhibit B Project Completion Schedule
- Exhibit C Bond Financed Property Certification

Exhibit D	Grant Application
Exhibit E	Grantee Resolution Approving Grant Agreement
Exhibit F	General Terms and Conditions

5. Additional requirements, if any:

6. Any modification of this Agreement must be in writing and signed by both parties.

(The remaining portion of this page was intentionally left blank.)

PUBLIC ENTITY (GRANTEE)

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION
Approval and Certifying Encumbrance

By: _____

Title: State Aid Programs Engineer

Date: _____

Office of Financial Management, Grant Unit

By: _____

Agency Grant Supervisor

Date: _____

OFFICE OF CONTRACT MANAGEMENT

By: _____

Contract Administrator

Date: _____

EXHIBIT A-1

**SOURCES AND USES OF FUNDS SCHEDULE
 SAP 142-594-009 Br No 27C29**

SOURCES OF FUNDS		USES OF FUNDS	
Entity Supplying Funds	Amount	Expenses	Amount
State Funds:		Items Paid for with LBRP	
LBRP Grant	\$ 318,530.69	Grant Funds:	
Other:		Bridge Construction	\$ 304,584.15
	\$	Roadway Construction	\$ 13,946.54
	\$		\$
	\$		\$
Subtotal	\$ 318,530.69	Subtotal	\$ 318,530.69
Public Entity Funds:		Items paid for with Non-LBRP Grant Funds:	
Matching Funds	\$	Bridge Construction	\$ 24,231.14
Other:		Roadway Construction	\$ 229,992.90
Local Match	\$ 296,715.34	Utility Construction	\$ 42,491.30
	\$		\$
	\$		
Subtotal	\$ 296,715.34	Subtotal	\$ 296,715.34
TOTAL FUNDS	\$ 615,246.03	TOTAL PROJECT COSTS	\$ 615,246.03

EXHIBIT A-2

**SOURCES AND USES OF FUNDS SCHEDULE
 SAP 142-594-004 Br No 27C28**

SOURCES OF FUNDS		USES OF FUNDS	
Entity Supplying Funds	Amount	Expenses	Amount
State Funds:		Items Paid for with LBRP	
LBRP Grant	\$ 462,410.70	Grant Funds:	
Other:		Bridge Construction	\$ 432,971.20
	\$	Roadway Construction	\$ 29,439.50
	\$		\$
	\$		\$
Subtotal	\$ 462,410.70	Subtotal	\$ 462,410.70
Public Entity Funds:		Items paid for with Non-LBRP Grant Funds:	
Matching Funds	\$	Bridge Construction	\$ 31,293.00
Other:		Roadway Construction	\$ 587,124.33
Local Match	\$ 892,824.09	Utility Construction	\$ 274,406.76
	\$		\$
	\$		
Subtotal	\$ 892,824.09	Subtotal	\$ 892,824.09
TOTAL FUNDS	\$ 1,355,234.79	TOTAL PROJECT COSTS	\$ 1,355,234.79

EXHIBIT A-3

**SOURCES AND USES OF FUNDS SCHEDULE
 SAP 142-594-007 Br No 27C20**

SOURCES OF FUNDS		USES OF FUNDS	
Entity Supplying Funds	Amount	Expenses	Amount
State Funds:		Items Paid for with LBRP	
LBRP Grant	\$ 486,654.75	Grant Funds:	
Other:		Bridge Construction	\$ 459,140.85
	\$	Roadway Construction	\$ 27,513.90
	\$		\$
	\$		\$
Subtotal	\$ 486,654.75	Subtotal	\$ 486,654.75
Public Entity Funds:		Items paid for with Non-LBRP Grant Funds:	
Matching Funds	\$	Bridge Construction	\$ 31,919.85
Other:		Roadway Construction	\$ 780,701.55
Local Match	\$ 1,083,598.96	Utility Construction	\$ 270,977.56
	\$		\$
	\$		
Subtotal	\$ 1,083,598.96	Subtotal	\$ 1,083,598.96
TOTAL FUNDS	\$ <u>1,570,253.71</u>	TOTAL PROJECT COSTS	\$ <u>1,570,253.71</u>

EXHIBIT A-4

**SOURCES AND USES OF FUNDS SCHEDULE
 SAP 142-594-003 Br No 27C30**

SOURCES OF FUNDS		USES OF FUNDS	
Entity Supplying Funds	Amount	Expenses	Amount
State Funds:		Items Paid for with LBRP	
LBRP Grant	\$ <u>444,607.41</u>	Grant Funds:	
Other:		<u>Bridge Construction</u>	\$ <u>416,291.70</u>
	\$	<u>Roadway Construction</u>	\$ <u>28,315.71</u>
	\$		\$
	\$		\$
Subtotal	\$ <u>444,607.41</u>	Subtotal	\$ <u>444,607.41</u>
Public Entity Funds:		Items paid for with Non-LBRP Grant Funds:	
Matching Funds	\$	<u>Bridge Construction</u>	\$ <u>29,742.90</u>
Other:		<u>Roadway Construction</u>	\$ <u>466,955.27</u>
<u>Local Match</u>	\$ <u>582,968.38</u>	<u>Utility Construction</u>	\$ <u>86,270.21</u>
	\$		\$
	\$		
Subtotal	\$ <u>582,968.38</u>	Subtotal	\$ <u>582,968.38</u>
TOTAL FUNDS	\$ <u>1,027,575.79</u>	TOTAL PROJECT COSTS	\$ <u>1,027,575.79</u>

EXHIBIT B

PROJECT COMPLETION SCHEDULE

Construction: April 2021 – November 2021
Final Contractor Payment, Warranty Work and Restoration - 2022
Completion Date for the projects: March 30, 2023

EXHIBIT C

BOND FINANCED PROPERTY CERTIFICATION

State of Minnesota
General Obligation Bond Financed Property

The undersigned states that it has a fee simple, leasehold and/or easement interest in the real property located in the County of Hennepin, State of Minnesota that is generally described or illustrated graphically in **Attachment 1** attached hereto and all improvements thereon (the "Restricted Property") and acknowledges that the Restricted Property is or may become State bond-financed property. To the extent that the Restricted Property is or becomes State bond-financed property, the undersigned acknowledges that:

- A. The Restricted Property is State bond-financed property under Minn. Stat. Sec. 16A.695, is subject to the requirements imposed by that statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget; and
- B. The Restricted Property is subject to the provisions of the Local Road Improvement Program Grant Agreement between the Minnesota Department of Transportation and the undersigned dated _____, 20__; and
- C. The Restricted Property shall continue to be deemed State bond-financed property for 37.5 years or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget.

Date: _____, 20__

[name of Public Entity grantee], a political
subdivision of the State of Minnesota

By: _____
Name: _____
Title: _____

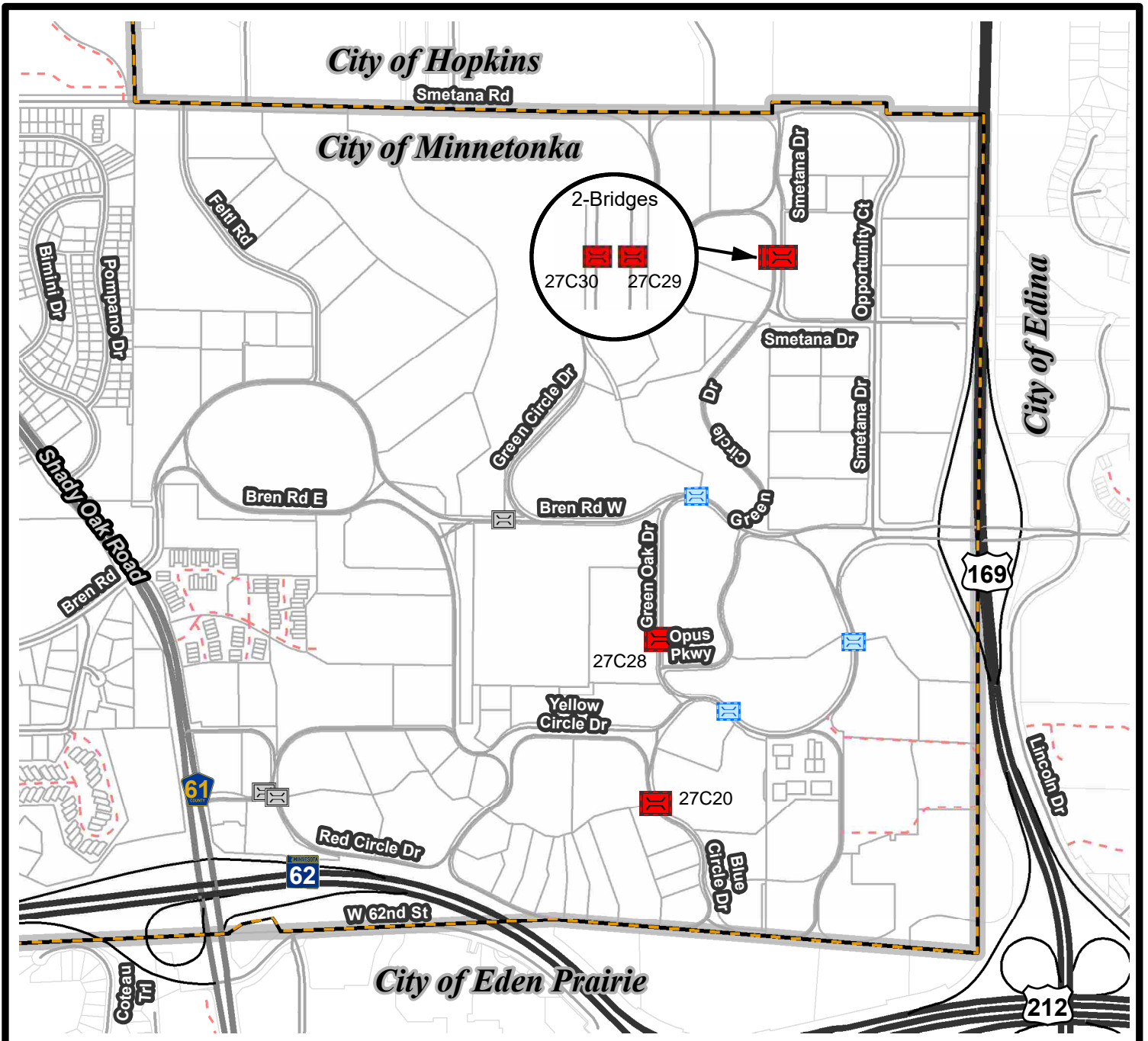
By: _____
Name: _____
Title: _____

Attachment 1 to Exhibit C




GENERAL DESCRIPTION OF RESTRICTED PROPERTY

The restricted property includes the following bridge areas and as shown on the attached map:

- Bridge 27C20 – Blue Circle Drive
- Bridge 27C28 – Green Oak Drive
- Bridge 27C30 – Green Circle Drive
- Bridge 27C29 – Smetana Drive



Opus Area Bridge Improvements - Phase II

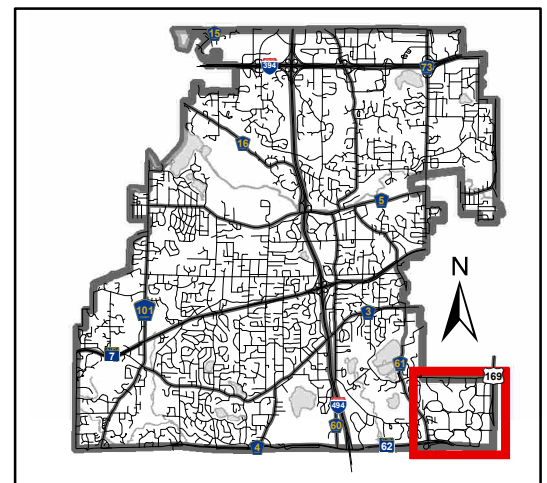
-  Existing Bridge
-  Proposed 2021 Bridge Replacement (4 Bridges)
-  Future Bridge Replacement (3 Bridges)

*Future Bridge Replacement is not included as part of Agreement No. 1046026



CITY OF
MINNETONKA

EXHIBIT C - ATTACHMENT 1



This map is for illustrative purposes only.

EXHIBIT D
GRANT APPLICATION



APPLICATION FOR BRIDGE FUNDS

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

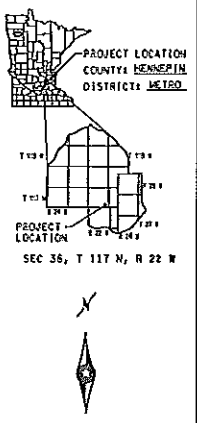
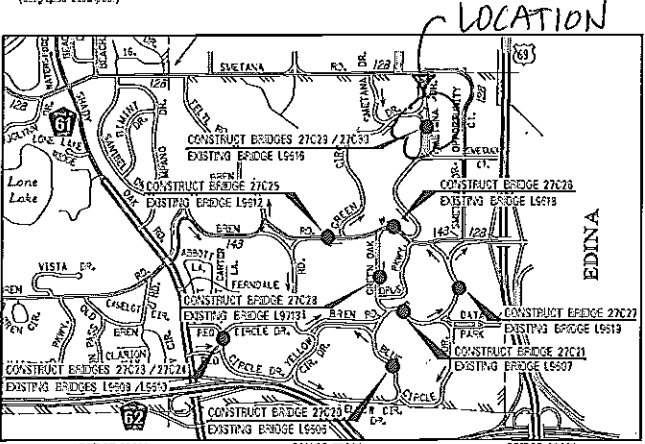
Identification	Project Number	<u>142-594-009</u>	Old Bridge Number	<u>L9616</u>
	New Bridge No.	<u>27C29</u>	Over	<u>Ped - Bike</u>
	County of	<u>Hennepin</u>	Road or Street No.	<u>MUN 1092</u>
	Township of	<u>Minnetonka (MUN)</u>	Road or Street Name	<u>Smetana Drive</u>
	Municipality of		Proposed Const Year	<u>2016-2018</u>
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Eligibility	Bridge Sufficiency Rating	<u>77.8</u>	Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Adequacy Status from Structure Inventory	<input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate		
	Date of Council/Board action prioritizing this bridge	<u>02-09-2015</u>		
Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Prioritization	How many people are affected by this deficiency?	<u>51,368</u>	What is the ADT on this bridge?	<u>1161</u>
	Describe the economic importance of replacing this bridge.			
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well as accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.			
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Attach additional sheets for explanation if necessary)			
	Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
National Register of Historic Places link here: http://www.nps.gov/history/nr/research/				
Cost Estimate		Eligible Amount		Ineligible Amount
	Structure Costs	\$ 225,032.75		\$ 26,780.80
	Approach Costs	\$ 11,149.10		\$ 209,265.81
	Engineering Costs	\$ 0.00		\$ 57,666.00
	Total Costs	\$ 236,181.85		\$ 293,712.61
Total Project Cost		\$ 529,894.46		
_____ County/City Engineer Date <u>4-20-16</u>				
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION			
	Replace <u>X</u>	Defer _____	_____ District State Aid Engineer Signature Date <u>4-27-16</u>	
Approval	STATE AID USE ONLY		Federal-Aid	\$ _____
			State-Aid	\$ _____
			Local/Other	\$ _____
			Town Bridge	\$ _____
			Unallocated Town Bridge	\$ _____
			State Bridge Funds	\$ _____
		Total	\$ _____	

**CITY OF MINNETONKA
DEPARTMENT OF PUBLIC WORKS
MINNESOTA DEPARTMENT OF TRANSPORTATION**

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, RETAINING WALLS, BRIDGES, STORM SEWER, SANITARY SEWER, AND WATERMAIN

BRIDGE 27C20	
S.A.P. 142-594-007	
GROSS LENGTH	988.00 FT. @ 0.112 MILES
BRIDGES LENGTH	31.50 FT. @ 0.036 MILES
EXISTING LENGTH	6.50 FT. @ 0.008 MILES
NET LENGTH	956.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C21	
S.A.P. 142-594-002	
GROSS LENGTH	556.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	544.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C23	
S.A.P. 142-594-005	
GROSS LENGTH	529.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	517.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C24	
S.A.P. 142-594-006	
GROSS LENGTH	529.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	517.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C25	
S.A.P. 142-594-008	
GROSS LENGTH	382.00 FT. @ 0.098 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	370.50 FT. @ 0.098 MILES
NOTE:	
BRIDGE 27C26	
S.A.P. 142-594-009	
GROSS LENGTH	382.00 FT. @ 0.098 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	370.50 FT. @ 0.098 MILES
NOTE:	
BRIDGE 27C27	
S.A.P. 142-594-010	
GROSS LENGTH	475.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	463.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C28	
S.A.P. 142-594-011	
GROSS LENGTH	475.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	463.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C29	
S.A.P. 142-594-012	
GROSS LENGTH	475.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	463.50 FT. @ 0.112 MILES
NOTE:	
BRIDGE 27C30	
S.A.P. 142-594-013	
GROSS LENGTH	475.00 FT. @ 0.112 MILES
BRIDGES LENGTH	11.50 FT. @ 0.028 MILES
EXISTING LENGTH	0.00 FT. @ 0.000 MILES
NET LENGTH	463.50 FT. @ 0.112 MILES
NOTE:	

S.A.P. 142-594-007	LOCATED ON	BLUE CIRCLE DRIVE	BETWEEN	YELLOW CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-594-002	LOCATED ON	BREN ROAD EAST	BETWEEN	GREEN OAK DRIVE	AND	BLUE CIRCLE DRIVE
S.A.P. 142-594-005	LOCATED ON	RED CIRCLE DRIVE	BETWEEN	SHADY OAK DRIVE	AND	YELLOW CIRCLE DRIVE
S.A.P. 142-143-005	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-143-007	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	GREEN OAK DRIVE
S.A.P. 142-594-006	LOCATED ON	BREN ROAD EAST	BETWEEN	BLUE CIRCLE DRIVE	AND	BREN ROAD WEST
S.A.P. 142-594-004	LOCATED ON	GREEN OAK DRIVE	BETWEEN	BREN ROAD WEST	AND	BREN ROAD EAST
S.A.P. 142-594-003	LOCATED ON	GREEN CIR DRIVE/MONTANA DR	BETWEEN	SNETANA CT	AND	SNETANA ROAD



CONSTRUCTION SPECIFICATIONS
 THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE 2008 EDITION OF THE MATERIALS AND SUPPLEMENTAL SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

ALL TRAFFIC CONTROL, RETAINING WALL, CURBWORK TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON HIGHWAY TRAFFIC CONTROL, INCLUDING THE LATEST EDITION OF THE FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL, SHALL APPLY.

SHEET NO.	INDEX DESCRIPTION
1	TITLE SHEET
2	DESIGN RESOLUTION
3	GENERAL LAYOUT
4 - 7	ESTIMATED QUANTITIES - ROADWAYS
8	ESTIMATED QUANTITIES BRIDGES
9 - 13	TABULATED QUANTITIES
14 - 21	BATHHOUSE TABULATION & SUMMARY
22	CONSTRUCTION NOTES & STANDARD PLATES
23 - 30	IMPADE UTILITY TABULATION
31 - 42	TYPICAL SECTIONS
43 - 65	MISCELLANEOUS DETAILS
67-68	STANDARD PLANS
69 - 700	CONSTRUCTION STAGING & TRAFFIC CONTROL PLAN
100 - 114	ALIGNMENT PLANS & TABULATIONS
115 - 123	IMPADE TOPOGRAPHY & PUBLIC UTILITY REMOVAL
124 - 132	MISCELLANEOUS REMOVAL PLAN
133 - 141	SIEN REMOVAL PLAN
142 - 150	CONSTRUCTION PLAN
151 - 151	ROADWAY PROFILES
182 - 183	CONSTRUCTION PLAN DETAILS
184 - 184	SCOURAL PLAN
185 - 185	RETAINING WALL TABULATION
200 - 210	RETAINING WALL PLAN - DETAILS
211 - 212	WATERMAIN & SANITARY SEWER TABULATIONS
213 - 218	WATERMAIN & SANITARY SEWER PLANS
219 - 222	CHAINAGE TABULATIONS
224 - 233	GRADINGS & SUPERELEVATION PLAN
234 - 239	CHAINAGE PROFILES
240 - 242	STORM WATER FLOODING PREVENTION PLAN
243 - 282	TURF ESTABLISHMENT & EROSION CONTROL PLAN
283 - 282	SLOPING & STRIPING PLANS
283 - 291	CROSS SECTIONS - BRIDGE 27C20
292 - 302	CROSS SECTIONS - BRIDGE 27C21
303 - 303	CROSS SECTIONS - BRIDGE 27C23/27C24
324 - 332	CROSS SECTIONS - BRIDGE 27C25
333 - 341	CROSS SECTIONS - BRIDGE 27C26
342 - 350	CROSS SECTIONS - BRIDGE 27C27
351 - 351	CROSS SECTIONS - BRIDGE 27C28
358 - 377	CROSS SECTIONS - BRIDGE 27C29/27C30
B11 - B114	BRIDGE PLAN (27C20)
B31 - B318	BRIDGE PLAN (27C21)
B51 - B518	BRIDGE PLAN (27C23)
B71 - B718	BRIDGE PLAN (27C25)
B91 - B918	BRIDGE PLAN (27C26)
B11 - B118	BRIDGE PLAN (27C27)
B31 - B318	BRIDGE PLAN (27C28)
B51 - B518	BRIDGE PLAN (27C29)
B71 - B718	BRIDGE PLAN (27C30)

DESIGN RESOLUTION
 SEE SHEET 2 FOR DESIGN RESOLUTIONS

THIS PLAN CONTAINS 529 SHEETS

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

SCALE: 1" = 50'

DATE: 4/17/2018

MINNESOTA DEPARTMENT OF TRANSPORTATION

DESIGNED BY: _____

CHECKED BY: _____

APPROVED BY: _____

PROJECT NO.: 142-594-007, 142-594-002, 142-594-005, 142-594-006, 142-594-003, 142-143-005, 142-143-007, 142-594-004, 142-594-009, 142-594-010, 142-594-011, 142-594-012, 142-594-013

CITY PROJ. NO. 14407

SHEET 1 OF 371 SHEETS

DATE: 4/17/2018
 FILE: P:\142-594-007\142-594-007.dwg

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHANCE 3000, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

I HEREBY CERTIFY THAT THE FINAL DESIGN, IF ANY, MADE PURSUANT TO THE ABOVE BY DIRECT SUPERVISION, AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: _____ LICENSE: _____

MINNESOTA STRUCTURE INVENTORY REPORT

Bridge ID: L9616

SMETANA DR over PED-BIKE PATH

Date: 04/21/2016

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No. L9616	Bridge Match ID (TIS) 1	Deficient Status F.O.
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating 77.8
County 27 - HENNEPIN	Route Sys/Nbr MUN 1092	Last Inspection Date 10-30-2014
City MINNETONKA	Roadway Name or Description	Inspection Frequency 24
Township	SMETANA DR	Inspector Name MINNETONKA
Desc. Loc. 0.1 MI N OF SMETANA DR	Roadway Function MAINLINE	Status A-OPEN
Sect., Twp., Range 36 - 117N - 22W	Roadway Type 2 WAY TRAF	+ NBI CONDITION RATINGS +
Latitude 44d 54m 18.85s	Control Section (TH Only)	Deck 7
Longitude 93d 24m 23.08s	Ref. Point	Superstructure 7
Custodian CITY	Date Opened to Traffic	Substructure 8
Owner CITY	Detour Length 1 mi.	Channel N
Inspection By CITY OF MINNETONKA	Lanes 4 Lanes ON Bridge	Culvert N
Year Built 1976	ADT (YEAR) 1,198 (2010)	+ NBI APPRAISAL RATINGS +
MN Year Remodeled	HCADT	Structure Evaluation 7
FHWA Year Reconstructed	Functional Class. URB COLL	Deck Geometry 2
Bridge Plan Location MUNICIPAL	+ RDWY DIMENSIONS +	Underclearances N
ABC Sutable	If Divided NB-EB SB-WB	Waterway Adequacy N
	Roadway Width 15.3 ft 27.8 ft	Approach Alignment 8
+ STRUCTURE +	Vertical Clearance	+ SAFETY FEATURES +
Service On HIGHWAY	Max. Vert. Clear.	Bridge Railing 1-MEETS STANDARDS
Service Under PED;BICYCLE	Horizontal Clear. 63.0 ft	GR Transltion 1-MEETS STANDARDS
Main Span Type PRESTR SLAB SPN	Lateral Clr. - L/Rt	Appr. Guardrail 1-MEETS STANDARDS
Main Span Detail	Appr. Surface Width 80.0 ft	GR Termini 1-MEETS STANDARDS
Appr. Span Type	Bridge Roadway Width 43.1 ft	+ IN DEPTH INSP. +
Appr. Span Detail	Median Width on Bridge 20.0 ft	Frac. Critical
Skew	+ MISC. BRIDGE DATA +	Underwater
Culvert Type	Structure Flared NO	Pinned Asbly.
Barrel Length	Parallel Structure NONE	Spec. Feat.
Number of Spans	Field Conn. ID	+ WATERWAY +
MAIN: 1 APPR: 0 TOTAL: 1	Cantilever ID	Drainage Area
Main Span Length 18.0 ft	Foundations	Waterway Opening
Structure Length 19.3 ft	Abut. CONC - SPRD SOIL	Navigation Control NOT APPL
Deck Width 88.0 ft	Pier N/A	Pier Protection
Deck Material C-I-P CONCRETE	Historic Status NOT ELIGIBLE	Nav. Vert./Horz. Clr.
Wear Surf Type BITUMINOUS	On - Off System ON	Nav. Vert. Lift Bridge Clear.
Wear Surf Install Year 1999	+ PAINT +	MN Scour Code A-NON WATERWAY
Wear Course/Fill Depth 0.50 ft	Year Painted Pct. Unsound	Scour Evaluation Year 1991
Deck Membrane PREFORMED FABRIC	Painted Area	+ CAPACITY RATINGS +
Deck Rebars NONE	Primer Type	Design Load HS 20
Deck Rebars Install Year	Finish Type	Operating Rating HS 28.60
Structure Area 1,698 sq ft	+ BRIDGE SIGNS +	Inventory Rating HS 17.10
Roadway Area 829 sq ft	Posted Load NOT REQUIRED	Posting
Sidewalk Width - L/R	Traffic NOT REQUIRED	Rating Date 12-07-2012
Curb Height - L/R 0.75 ft 0.75 ft	Horizontal NOT REQUIRED	Overweight Permit Codes
Rail Codes - L/R 02 02	Vertical NOT APPLICABLE	A: N B: N C: N

Resolution No. 2015-011

Resolution prioritizing a bridge replacement program

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

Section 1. Background.

- 1.01. The city of Minnetonka has reviewed pertinent data on city bridges requiring replacement, rehabilitation, or removal.
- 1.02. The city of Minnetonka has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years.

Section 2. Council Action.

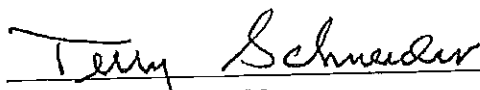
- 2.01. The following deficient bridges are high priority and the city council of the city of Minnetonka intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available.

Const. Priority	Old Bridge Number	Road Number or Name	Suff. Rating	Total Project Cost	State Bridge Funds	Federal Funds	Local or State Aid Funds	Proposed Construction Year
1	L9610	Red Circle	80.0	\$647,200	\$517,800	\$0	\$129,400	2016
2	L9609	Red Circle	79.8	\$647,200	\$517,800	\$0	\$129,400	2016
3	L9612	Bren West	78.7	\$640,700	\$512,600	\$0	\$128,100	2016
4	L9618	Bren West	79.0	\$682,900	\$546,300	\$0	\$136,600	2016
5	L9619	Bren East	78.8	\$579,200	\$463,300	\$0	\$115,800	2016
6	L9607	Bren East	78.4	\$556,500	\$445,200	\$0	\$111,300	2016
7	L9713	Green Oak	79.9	\$598,600	\$478,900	\$0	\$119,700	2016
8	L9606	Blue Circle	78.6	\$605,100	\$484,100	\$0	\$121,000	2016
9	L9616	Green Cir.	77.8	\$516,000	\$412,800	\$0	\$103,200	2016
10	L9608	Yellow Cir.	67.6	\$624,500	\$499,600	\$0	\$124,900	2016

- 2.02. The city of Minnetonka does hereby request authorization to replace, rehabilitate, or remove such bridges.

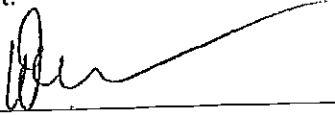
- 2.03. The city of Minnetonka does hereby request financial assistance with eligible approach grading and engineering costs as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 9, 2015.



Terry Schneider, Mayor

Attest:



David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf

Seconded by: Acomb

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Ellingson, Schneider

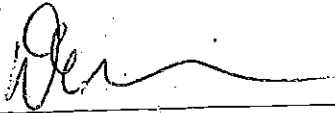
Voted against:

Abstained:

Absent: Wagner

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 February 9, 2015.



David E. Maeda, City Clerk



APPLICATION FOR BRIDGE FUNDS

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

Identification	Project Number	142-594-004	Old Bridge Number	L9713
	New Bridge No.	27C28	Over	Ped - Bike
	County of	Hennepin	Road or Street No.	MUN 824
	Township of	Minnetonka (MUN)	Road or Street Name	Green Oak Drive
	Municipality of		Proposed Const Year	2016-2018
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Eligibility	Bridge Sufficiency Rating	79.9 <i>79.8 JMD 4/27/16</i>	Is this bridge hydraulically deficient?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Adequacy Status from Structure Inventory		<input type="checkbox"/> Structurally Deficient	<input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate
	Date of Council/Board action prioritizing this bridge	02-09-2015	Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Prioritization	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>2768</u>	
	Describe the economic importance of replacing this bridge.			
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.			
	Is the road designated or planned to be designated as a Minimum Maintenance road?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	(Attach additional sheets for explanation if necessary)			
Is the township net tax capacity less than \$300,000?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is the bridge listed on the National Register of Historic Places or been determined to be eligible?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
National Register of Historic Places link here: http://www.nps.gov/history/nrl/research/				
Cost Estimate		Eligible Amount		Ineligible Amount
	Structure Costs	\$ 309,490.25	\$ 29,142.40	
	Approach Costs	\$ 24,391.64	\$ 676,939.33	
	Engineering Costs	\$ 0.00	\$ 57,666.00	
	Total Costs	\$ 333,881.89	\$ 763,747.73	
	Total Project Cost		\$ 1,097,629.62	
County/City Engineer		Date <u>4-20-16</u>		
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION			
	Replace <input checked="" type="checkbox"/>	Defer <input type="checkbox"/>	District State Aid Engineer Signature <u>Julie Diesel</u> Date <u>4-27-16</u>	
Approval	STATE AID USE ONLY	Federal-Aid	\$	
		State-Aid	\$	
		Local/Other	\$	
		Town Bridge	\$	
		Unallocated Town Bridge	\$	
		State Bridge Funds	\$	
		Total	\$	

**CITY OF MINNETONKA
DEPARTMENT OF PUBLIC WORKS
MINNESOTA DEPARTMENT OF TRANSPORTATION**

CONSTRUCTION SPECIFICATIONS
THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE 2018 EDITION OF THE "UNIFORMS L&S" SPECIALTY SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

ALL EXISTING CONDITIONS, REVISIONS SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE LATEST EDITION OF THE "UNIFORMS L&S" SPECIALTY SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, RETAINING WALLS, BRIDGES, STORM SEWER, SANITARY SEWER, AND WATERMAIN

BRIDGE 27C20
S.A.P. 142-594-007

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C21
S.A.P. 142-594-007

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C23
S.A.P. 142-594-009

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C24
S.A.P. 142-594-005

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C25
S.A.P. 142-594-005

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

S.A.P. 142-594-007	LOCATED ON	BLUE CIRCLE DRIVE	BETWEEN	YELLOW CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-594-007	LOCATED ON	BREN ROAD EAST	BETWEEN	GREEN OAK DRIVE	AND	BLUE CIRCLE DRIVE
S.A.P. 142-594-005	LOCATED ON	FED CIRCLE DRIVE	BETWEEN	SHADY OAK DRIVE	AND	YELLOW CIRCLE DRIVE
S.A.P. 142-594-005	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-594-007	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	GREEN OAK DRIVE
S.A.P. 142-594-001	LOCATED ON	BREN ROAD EAST	BETWEEN	BLUE CIRCLE DRIVE	AND	BREN ROAD WEST
S.A.P. 142-594-004	LOCATED ON	GREEN OAK DRIVE	BETWEEN	BREN ROAD WEST	AND	BREN ROAD EAST
S.A.P. 142-594-003	LOCATED ON	GREEN GR. CALVANTANA DR.	BETWEEN	SMETANA CT.	AND	SMETANA ROAD

BRIDGE 27C26
S.A.P. 142-594-005

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C27
S.A.P. 142-594-001

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C28
S.A.P. 142-594-004

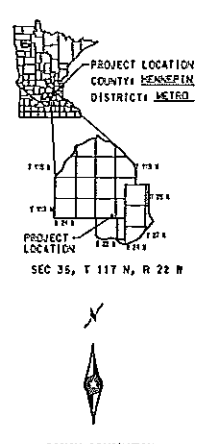
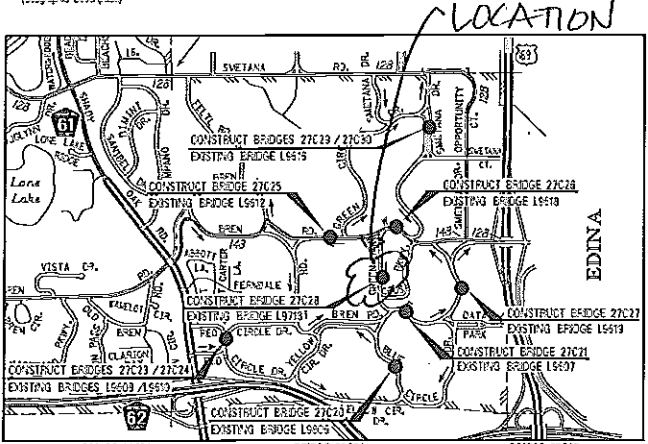
GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C29
S.A.P. 142-594-009

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES

BRIDGE 27C30
S.A.P. 142-594-003

GROSS LENGTH	518.81 FT	0.114 MILES
BRIDGES LENGTH	31.50 FT	0.006 MILES
EXISTING LENGTH	487.31 FT	0.090 MILES
NET LENGTH	518.81 FT	0.114 MILES



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THIS PLAN CONTAINS 529 SHEETS

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

DESIGN DESIGNATION
SEE SHEET 2 FOR DESIGN DESIGNATIONS

APPROVED	DATE
DESIGNED	DATE
CHECKED	DATE

FOR ALL WORKS REFERRED TO IN THIS PLAN BY NAME

S.A.P. 142-594-007, S.A.P. 142-594-002, S.A.P. 142-594-005, S.A.P. 142-594-006, S.A.P. 142-594-003, S.A.P. 142-594-004, S.A.P. 142-594-001, S.A.P. 142-594-008, S.A.P. 142-594-009, S.A.P. 142-594-004, S.A.P. 142-594-003, CITY PROJ. NO. 14407

SHEET 1 OF 311 SHEETS

DATE: 4/18/2018
BY: P. D. DUBOIS

I HEREBY CERTIFY THAT THE PLANS, SPECIFICATIONS, AND DATA WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER.

NAME: _____ LICENSE #: _____
DATE: _____ SIGNATURE: _____

MINNESOTA STRUCTURE INVENTORY REPORT

Bridge ID: L9713 GREEN OAK DR over PED-BIKE PATH

Date: 04/21/2016

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No. L9713	Bridge Match ID (TIS) 1	Deficient Status F.O.
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating 79.8
County 27 - HENNEPIN	Route Sys/Nbr MUN 824	Last Inspection Date 10-31-2014
City MINNETONKA	Roadway Name or Description	Inspection Frequency 24
Township	GREEN OAK DR	Inspector Name MINNETONKA
Desc. Loc. 0.2 MI S OF BREN ROAD W	Roadway Function MAINLINE	Status A-OPEN
Sect., Twp., Range 36 - 117N - 22W	Roadway Type 1 WAY TRAF	+ NBI CONDITION RATINGS +
Latitude 44d 53m 49.50s	Control Section (TH Only)	Deck 6
Longitude 93d 24m 33.21s	Ref. Point	Superstructure 6
Custodian CITY	Date Opened to Traffic	Substructure 7
Owner CITY	Detour Length 1 mi.	Channel N
Inspection By CITY OF MINNETONKA	Lanes 2 Lanes ON Bridge	Culvert N
Year Built 1977	ADT (YEAR) 2,690 (2010)	+ NBI APPRAISAL RATINGS +
MN Year Remodeled	HCA DT	Structure Evaluation 6
FHWA Year Reconstructed	Functional Class. URBAN LOCAL	Deck Geometry 3
Bridge Plan Location MUNICIPAL	+ RDWY DIMENSIONS +	Underclearances N
ABC Suitable	If Divided NB-EB SB-WB	Waterway Adequacy N
	Roadway Width 27.0 ft	Approach Alignment 8
	Vertical Clearance	+ SAFETY FEATURES +
	Max. Vert. Clear.	Bridge Railing 1-MEETS STANDARDS
	Horizontal Clear.	GR Transition 1-MEETS STANDARDS
	Lateral Clr. - Lt/Rt	Appr. Guardrail 1-MEETS STANDARDS
	Appr. Surface Width 31.0 ft	GR Termini 1-MEETS STANDARDS
	Bridge Roadway Width 27.0 ft	+ IN DEPTH INSP. +
	Median Width on Bridge	Frac. Critical
	+ MISC. BRIDGE DATA +	Underwater
	Structure Flared NO	Pinned Asbly.
	Parallel Structure NONE	Spec. Feat.
	Field Conn. ID	+ WATERWAY +
	Cantilever ID	Drainage Area
	Foundations	Waterway Opening
	Abut. CONC - SPRD SOIL	Navigation Control NOT APPL
	Pier N/A	Pier Protection
	Historic Status NOT ELIGIBLE	Nav. Vert./Horz. Clr.
	On - Off System OFF	Nav. Vert. Lift Bridge Clear.
	+ PAINT +	MN Scour Code A-NON WATERWAY
	Year Painted Pct. Unsound	Scour Evaluation Year 1991
	Painted Area	+ CAPACITY RATINGS +
	Primer Type	Design Load HS 20
	Finish Type	Operating Rating HS 31.30
	+ BRIDGE SIGNS +	Inventory Rating HS 18.70
	Posted Load NOT REQUIRED	Posting
	Traffic NOT REQUIRED	Rating Date 12-07-2012
	Horizontal NOT REQUIRED	Overweight Permit Codes
	Vertical NOT APPLICABLE	A: N B: N C: N
+ STRUCTURE +		
Service On HIGHWAY		
Service Under PED;BICYCLE		
Main Span Type PRESTR SLAB SPN		
Main Span Detail		
Appr. Span Type		
Appr. Span Detail		
Skew		
Culvert Type		
Barrel Length		
Number of Spans		
MAIN: 1 APPR: 0 TOTAL: 1		
Main Span Length 18.0 ft		
Structure Length 19.3 ft		
Deck Width 40.0 ft		
Deck Material C-I-P CONCRETE		
Wear Surf Type BITUMINOUS		
Wear Surf Install Year 1999		
Wear Course/Fill Depth 0.50 ft		
Deck Membrane PREFORMED FABRIC		
Deck Rebars NONE		
Deck Rebars Install Year		
Structure Area 772 sq ft		
Roadway Area 517 sq ft		
Sidewalk Width - L/R		
Curb Height - L/R 0.75 ft 0.75 ft		
Rail Codes - L/R 02 02		

Resolution No. 2015-011

Resolution prioritizing a bridge replacement program

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

Section 1. Background.

1.01. The city of Minnetonka has reviewed pertinent data on city bridges requiring replacement, rehabilitation, or removal.

1.02. The city of Minnetonka has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years.

Section 2. Council Action.

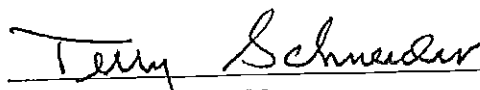
2.01. The following deficient bridges are high priority and the city council of the city of Minnetonka intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available.

Const. Priority	Old Bridge Number	Road Number or Name	Suff. Rating	Total Project Cost	State Bridge Funds	Federal Funds	Local or State-Aid Funds	Proposed Construction Year
1	L9610	Red Circle	80.0	\$647,200	\$517,800	\$0	\$129,400	2016
2	L9609	Red Circle	79.8	\$647,200	\$517,800	\$0	\$129,400	2016
3	L9612	Bren West	78.7	\$640,700	\$512,600	\$0	\$128,100	2016
4	L9618	Bren West	79.0	\$682,900	\$546,300	\$0	\$136,600	2016
5	L9619	Bren East	78.8	\$579,200	\$463,300	\$0	\$115,800	2016
6	L9607	Bren East	78.4	\$556,500	\$445,200	\$0	\$111,300	2016
7	L9713	Green Oak	79.9	\$598,600	\$478,900	\$0	\$119,700	2016
8	L9606	Blue Circle	78.6	\$605,100	\$484,100	\$0	\$121,000	2016
9	L9616	Green Cir.	77.8	\$516,000	\$412,800	\$0	\$103,200	2016
10	L9608	Yellow Cir.	67.6	\$624,500	\$499,600	\$0	\$124,900	2016

2.02. The city of Minnetonka does hereby request authorization to replace, rehabilitate, or remove such bridges.

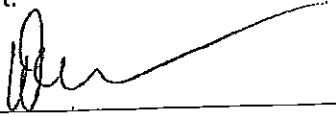
2.03. The city of Minnetonka does hereby request financial assistance with eligible approach grading and engineering costs as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 9, 2015.



Terry Schneider, Mayor

Attest:



David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf

Seconded by: Acomb

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Ellingson, Schneider

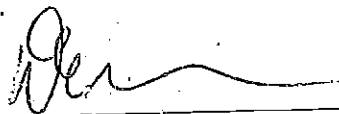
Voted against:

Abstained:

Absent: Wagner

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 February 9, 2015.



David E. Maeda, City Clerk



APPLICATION FOR BRIDGE FUNDS

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

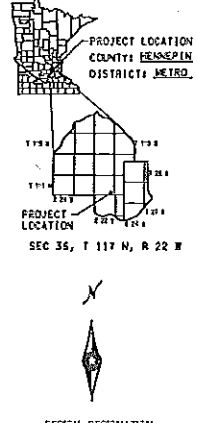
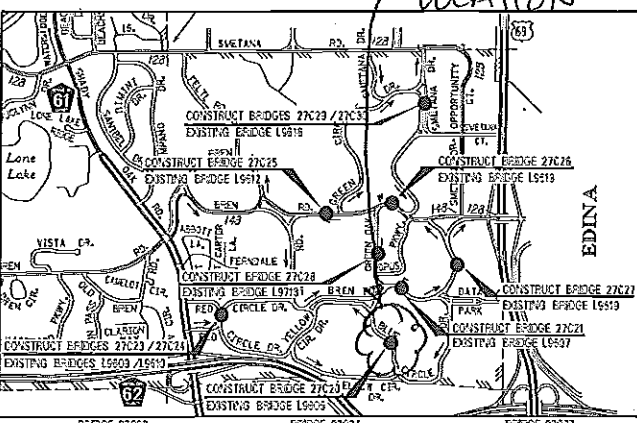
Identification	Project Number	<u>142-594-007</u>	Old Bridge Number	<u>L9606</u>	
	New Bridge No.	<u>27C20</u>	Over	<u>Ped-Bike</u>	
	County of	<u>Hennepin</u>	Road or Street No.	<u>MUN 774</u>	
	Township of	<u>Minnetonka (MUN)</u>	Road or Street Name	<u>Blue Circle Drive</u>	
	Municipality of		Proposed Const Year	<u>2016-2018</u>	
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Eligibility	Bridge Sufficiency Rating <u>78.6</u>		Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	Adequacy Status from Structure Inventory <input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate		Date of Council/Board action prioritizing this bridge <u>02-09-2015</u>		
	Is this a road-in-lieu of bridge project?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Prioritization	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>2303</u>		
	Describe the economic importance of replacing this bridge.				
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.				
	Is the road designated or planned to be designated as a Minimum Maintenance road? (Attach additional sheets for explanation if necessary)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	Is the township net tax capacity less than \$300,000?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is the bridge listed on the National Register of Historic Places or been determined to be eligible?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
National Register of Historic Places link here: http://www.nps.gov/history/nr/research/					
Cost Estimate		Eligible Amount		Ineligible Amount	
	Structure Costs	\$ 335,546.50	\$ 29,629.60		
	Approach Costs	\$ 21,344.57	\$ 815,892.03		
	Engineering Costs	\$ 0.00	\$ 57,666.00		
	Total Costs	\$ 356,891.07	\$ 903,187.63		
	Total Project Cost		\$ 1,260,078.70		
	County/City Engineer <u>[Signature]</u>		Date <u>4-20-16</u>		
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION				
	Replace <u>X</u>	Defer <u>For [Signature]</u>	Date <u>4-27-16</u>		
Approval	STATE AID USE ONLY	Federal-Aid	\$		
		State-Aid	\$		
		Local/Other	\$		
		Town Bridge	\$		
		Unallocated Town Bridge	\$		
		State Bridge Funds	\$		
		Total	\$		

**CITY OF MINNETONKA
DEPARTMENT OF PUBLIC WORKS
MINNESOTA DEPARTMENT OF TRANSPORTATION**

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, RETAINING WALLS, BRIDGES, STORM SEWER, SANITARY SEWER, AND WATERMAIN

BRIDGE NO.	S.A.P. NO.	CROSS LENGTH	BRIDGE LENGTH	EXISTING LENGTH	NET LENGTH
BRIDGE 27020	S.A.P. 142-594-007	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27021	S.A.P. 142-594-002	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27022	S.A.P. 142-594-003	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27023	S.A.P. 142-594-004	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27024	S.A.P. 142-594-005	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27025	S.A.P. 142-594-006	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27026	S.A.P. 142-594-007	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27027	S.A.P. 142-594-008	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27028	S.A.P. 142-594-009	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27029	S.A.P. 142-594-010	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27030	S.A.P. 142-594-011	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27031	S.A.P. 142-594-012	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27032	S.A.P. 142-594-013	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27033	S.A.P. 142-594-014	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27034	S.A.P. 142-594-015	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27035	S.A.P. 142-594-016	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27036	S.A.P. 142-594-017	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27037	S.A.P. 142-594-018	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27038	S.A.P. 142-594-019	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27039	S.A.P. 142-594-020	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET
BRIDGE 27040	S.A.P. 142-594-021	598.20 FT	6,113.00 FEET	598.20 FT	6,113.00 FEET

S.A.P. NO.	LOCATED ON	BETWEEN	AND
S.A.P. 142-594-001	LOCATED ON BLUE CIRCLE DRIVE	BETWEEN YELLOW CIRCLE DRIVE AND	BREN ROAD EAST
S.A.P. 142-594-002	LOCATED ON BREN ROAD EAST	BETWEEN GREEN OAK DRIVE AND	BLUE CIRCLE DRIVE
S.A.P. 142-594-003	LOCATED ON RED CIRCLE DRIVE	BETWEEN SHADY OAK DRIVE AND	YELLOW CIRCLE DRIVE
S.A.P. 142-594-004	LOCATED ON BREN ROAD WEST	BETWEEN GREEN CIRCLE DRIVE AND	BREN ROAD EAST
S.A.P. 142-594-005	LOCATED ON BREN ROAD WEST	BETWEEN GREEN CIRCLE DRIVE AND	GREEN OAK DRIVE
S.A.P. 142-594-006	LOCATED ON BREN ROAD EAST	BETWEEN BLUE CIRCLE DRIVE AND	BREN ROAD WEST
S.A.P. 142-594-007	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-008	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-009	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-010	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-011	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-012	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-013	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-014	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-015	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-016	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-017	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-018	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-019	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-020	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST
S.A.P. 142-594-021	LOCATED ON GREEN OAK DRIVE	BETWEEN BREN ROAD WEST AND	BREN ROAD EAST



GOVERNING SPECIFICATIONS
THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE 2018 EDITION OF THE 94TH YEAR'S LAW SUPPLEMENTAL SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON TRAFFIC CONTROL DEVICES INCLUDING THE LATEST EDITION OF THE FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL DEVICES.

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462 - 471	BRIDGE PLAN (27030)

THIS PLAN CONTAINS 529 SHEETS

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

DESIGN DESIGNATION: SEE SHEET 2 FOR DESIGN DESIGNATIONS

DATE: 4/17/2018
SCALE: 1" = 50'
PROFILE: 1" = 50'
INDEX MAP: 1" = 5000'
GENERAL LAYOUT: 1" = 500'

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL B THIS QUALITY LEVEL WAS ESTABLISHED ACCORDING TO THE GUIDELINES OF CLASSIC 3802, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEFINITION OF EXISTING SUBSURFACE UTILITY DATA."

PROJECT NO. 142-594-007
SHEET 1 OF 371 SHEETS

MINNESOTA STRUCTURE INVENTORY REPORT

Bridge ID: L9606 BLUE CIRCLE DR over PED-BIKE

Date: 04/21/2016

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No. L9606	Bridge Match ID (TIS) 1	Deficient Status F.O.
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating 78.6
County 27 - HENNEPIN	Route Sys/Nbr MUN 774	Last Inspection Date 11-04-2014
City MINNETONKA	Roadway Name or Description	Inspection Frequency 24
Township	BLUE CIRCLE DR	Inspector Name MINNETONKA
Desc. Loc. 0.1 MI S OF YELLOW CIR D	Roadway Function MAINLINE	Status A-OPEN
Sect., Twp., Range 36 - 117N - 22W	Roadway Type 1 WAY TRAF	+ NBI CONDITION RATINGS +
Latitude 44d 53m 39.23s	Control Section (TH Only)	Deck 7
Longitude 93d 24m 33.76s	Ref. Point	Superstructure 7
Custodian CITY	Date Opened to Traffic	Substructure 7
Owner CITY	Detour Length 1 mi.	Channel N
Inspection By CITY OF MINNETONKA	Lanes 3 Lanes ON Bridge	Culvert N
Year Built 1975	ADT (YEAR) 2,238 (2010)	+ NBI APPRAISAL RATINGS +
MN Year Remodeled	HCACT	Structure Evaluation 7
FHWA Year Reconstructed	Functional Class. URBAN LOCAL	Deck Geometry 2
Bridge Plan Location MUNICIPAL	+ RDWY DIMENSIONS +	Underclearances N
ABC Sutable	If Divided NB-EB SB-WB	Waterway Adequacy N
	Roadway Width 27.8 ft	Approach Alignment 8
	Vertical Clearance	+ SAFETY FEATURES +
Service On HIGHWAY	Max. Vert. Clear.	Bridge Railing 1-MEETS STANDARDS
Service Under PED;BICYCLE	Horizontal Clear.	GR Transition 1-MEETS STANDARDS
Main Span Type PRESTR SLAB SPN	Lateral Clr. - L/Rt	Appr. Guardrail 1-MEETS STANDARDS
Main Span Detail	Appr. Surface Width 43.0 ft	GR Termini 1-MEETS STANDARDS
Appr. Span Type	Bridge Roadway Width 27.8 ft	+ IN DEPTH INSP. +
Appr. Span Detail	Median Width on Bridge	Frac. Critical
Skew	+ MISC. BRIDGE DATA +	Underwater
Culvert Type	Structure Flared NO	Planned Asbly.
Barrel Length	Parallel Structure NONE	Spec. Feat.
Number of Spans	Field Conn. ID	+ WATERWAY +
MAIN: 1 APPR: 0 TOTAL: 1	Cantilever ID	Drainage Area
Main Span Length 18.0 ft	Foundations	Waterway Opening
Structure Length 19.3 ft	Abut. CONC - SPRD SOIL	Navigation Control NOT APPL
Deck Width 48.0 ft	Pier N/A	Pier Protection
Deck Material PRECAST CONCRETE	Historic Status NOT ELIGIBLE	Nav. Vert./Horz. Clr.
Wear Surf Type BITUMINOUS	On - Off System OFF	Nav. Vert. Lift Bridge Clear.
Wear Surf Install Year 1999	+ PAINT +	MN Scour Code A-NON WATERWAY
Wear Course/Fill Depth 0.50 ft	Year Painted Pct. Unsound	Scour Evaluation Year
Deck Membrane PREFORMED FABRIC	Painted Area	+ CAPACITY RATINGS +
Deck Rebars NONE	Primer Type	Design Load HS 20
Deck Rebars Install Year	Finish Type	Operating Rating HS 29.60
Structure Area 926 sq ft	+ BRIDGE SIGNS +	Inventory Rating HS 17.70
Roadway Area 495 sq ft	Posted Load NOT REQUIRED	Posting
Sidewalk Width - L/R	Traffic NOT REQUIRED	Rating Date 12-07-2012
Curb Height - L/R 1.00 ft 0.33 ft	Horizontal NOT REQUIRED	Overweight Permit Codes
Rail Codes - L/R 02 02	Vertical NOT APPLICABLE	A: N B: N C: N

Resolution No. 2015-011

Resolution prioritizing a bridge replacement program

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

Section 1. Background.

- 1.01. The city of Minnetonka has reviewed pertinent data on city bridges requiring replacement, rehabilitation, or removal.
- 1.02. The city of Minnetonka has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years.

Section 2. Council Action.

- 2.01. The following deficient bridges are high priority and the city council of the city of Minnetonka intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available.

Const. Priority	Old Bridge Number	Road Number or Name	Suff. Rating	Total Project Cost	State Bridge Funds	Federal Funds	Local or State Aid Funds	Proposed Construction Year
1	L9610	Red Circle	80.0	\$647,200	\$517,800	\$0	\$129,400	2016
2	L9609	Red Circle	79.8	\$647,200	\$517,800	\$0	\$129,400	2016
3	L9612	Bren West	78.7	\$640,700	\$512,600	\$0	\$128,100	2016
4	L9618	Bren West	79.0	\$682,900	\$546,300	\$0	\$136,600	2016
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10	L9608	Yellow Cir.	67.6	\$624,500	\$499,600	\$0	\$124,900	2016

- 2.02. The city of Minnetonka does hereby request authorization to replace, rehabilitate, or remove such bridges.

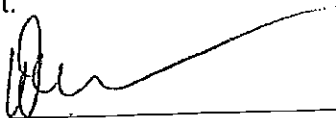
- 2.03. The city of Minnetonka does hereby request financial assistance with eligible approach grading and engineering costs as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 9, 2015.



Terry Schneider, Mayor

Attest:



David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf

Seconded by: Acomb

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Ellingson, Schneider

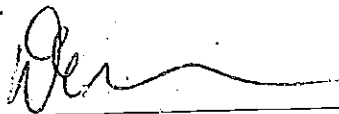
Voted against:

Abstained:

Absent: Wagner

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 February 9, 2015.



David E. Maeda, City Clerk



APPLICATION FOR BRIDGE FUNDS

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

Identification	Project Number	142-594-003	Old Bridge Number	L9616
	New Bridge No.	27C30	Over	Ped - Bike
	County of	Hennepin	Road or Street No.	MUN 1092
	Township of	Minnetonka (MUN)	Road or Street Name	Smetana Drive
	Municipality of		Proposed Const Year	2016-2018
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Eligibility	Bridge Sufficiency Rating <u>77.8</u>		Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Adequacy Status from Structure Inventory <input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate		Date of Council/Board action prioritizing this bridge <u>02-09-2015</u>	
	Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Prioritization	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>1161</u>	
	Describe the economic importance of replacing this bridge.			
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.			
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		(Attach additional sheets for explanation if necessary)	
Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
National Register of Historic Places link here: http://www.nps.gov/history/nr/research/				
Cost Estimate		Eligible Amount		Ineligible Amount
	Structure Costs	\$ 295,221.25	\$ 27,924.80	
	Approach Costs	\$ 22,636.05	\$ 424,873.01	
	Engineering Costs	\$ 0.00	\$ 57,666.00	
	Total Costs	\$ 317,857.30	\$ 510,463.81	
	Total Project Cost		\$ 828,321.11	
_____ County/City Engineer		_____ Date 4-20-16		
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION			
	Replace <input checked="" type="checkbox"/>	Defer <input type="checkbox"/>	For _____ District State Aid Engineer Signature	
Approval	STATE AID USE ONLY		Federal-Aid	\$
			State-Aid	\$
			Local/Other	\$
			Town Bridge	\$
			Unallocated Town Bridge	\$
			State Bridge Funds	\$
			Total	\$

**CITY OF MINNETONKA
DEPARTMENT OF PUBLIC WORKS
MINNESOTA DEPARTMENT OF TRANSPORTATION**

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS SURFACING, RETAINING WALLS, BRIDGES, STORM SEWER, SANITARY SEWER, AND WATERMAIN

S.A.P. 142-594-007	LOCATED ON	BLUE CIRCLE DRIVE	BETWEEN	YELLOW CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-594-002	LOCATED ON	BREN ROAD EAST	BETWEEN	GREEN OAK DRIVE	AND	BLUE CIRCLE DRIVE
S.A.P. 142-594-005	LOCATED ON	RED CIRCLE DRIVE	BETWEEN	SHADY OAK DRIVE	AND	YELLOW CIRCLE DRIVE
S.A.P. 142-594-006	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	BREN ROAD EAST
S.A.P. 142-594-007	LOCATED ON	BREN ROAD WEST	BETWEEN	GREEN CIRCLE DRIVE	AND	GREEN OAK DRIVE
S.A.P. 142-594-008	LOCATED ON	BREN ROAD EAST	BETWEEN	BLUE CIRCLE DRIVE	AND	BREN ROAD WEST
S.A.P. 142-594-004	LOCATED ON	GREEN OAK DRIVE	BETWEEN	BREN ROAD WEST	AND	BREN ROAD EAST
S.A.P. 142-594-009	LOCATED ON	GREEN OAK DRIVE/SMETANA DR	BETWEEN	SMETANA CT	AND	SMETANA ROAD

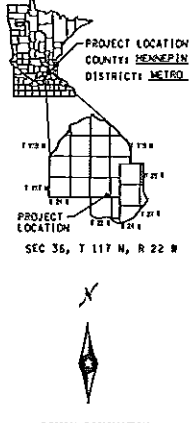
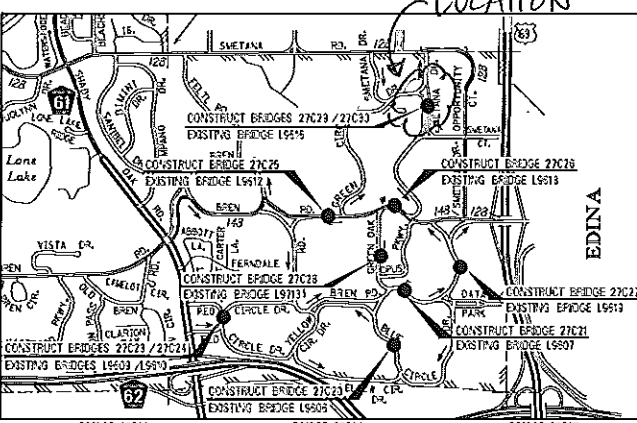
GOVERNING SPECIFICATIONS
THE 2004 EDITION OF THE MINNESOTA SPECIFICATIONS FOR ROADWAY CONSTRUCTION AND THE 2004 EDITION OF THE MINNESOTA LAW SUPPLEMENTAL SPECIFICATIONS FOR ROADWAY CONSTRUCTION SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON TRAFFIC CONTROL DEVICES. THE LATEST EDITION OF THE FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL SHALL APPLY.

INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	DESIGN DESIGNATION
3	GENERAL LAYOUT
4 - 7	ESTIMATED QUANTITIES - ROADWAYS
8	ESTIMATED QUANTITIES BRIDGES
9 - 13	TABULATED QUANTITIES
14 - 21	EARTHWORK TABULATION & SOBMAT CONSTRUCTION NOTES & STANDARD PLATES
22	TYPICAL SECTIONS
23 - 30	IMPLACE UTILITY TABULATION
31 - 40	TYPICAL SECTIONS
41 - 56	MISCELLANEOUS DETAILS
57 - 63	STANDARD PLANS
64 - 100	CONSTRUCTION STAGING & TRAFFIC CONTROL PLAN
101 - 114	ALIGNMENT PLANS & TABULATIONS
115 - 123	IMPLACE TOPOGRAPHY & PUBLIC UTILITY REMOVAL
124 - 132	MISCELLANEOUS REMOVAL PLAN
133 - 141	SEWER REMOVAL PLAN
142 - 150	CONSTRUCTION PLAN
151 - 161	ROADWAY PROFILES
162 - 171	CONSTRUCTION PLAN DETAILS
172 - 180	ROADWAY PLAN
181	RETAINING WALL TABULATION
182 - 207	RETAINING WALL PLAN
208 - 210	RETAINING WALL PLAN - DETAILS
211 - 212	WATERMAIN & SANITARY SEWER TABULATIONS
213 - 218	WATERMAIN & SANITARY SEWER PLANS
219 - 222	DRAINAGE TABULATIONS
223 - 233	DRAINAGE & SUPERELEVATION PLAN
234 - 239	DRAINAGE PROFILES
240 - 242	STORM WATER POLLUTION PREVENTION PLAN
243 - 256	TURF ESTABLISHMENT & EROSION CONTROL PLAN
257 - 282	SIGNING & STRIPING PLANS
283 - 291	CROSS SECTIONS - BRIDGE 27C20
292 - 309	CROSS SECTIONS - BRIDGE 27C21
310 - 323	CROSS SECTIONS - BRIDGE 27C22/27C24
324 - 332	CROSS SECTIONS - BRIDGE 27C23
333 - 341	CROSS SECTIONS - BRIDGE 27C25
342 - 350	CROSS SECTIONS - BRIDGE 27C27
351 - 351	CROSS SECTIONS - BRIDGE 27C28
352 - 371	CROSS SECTIONS - BRIDGE 27C29/27C30
B01 - B04	BRIDGE PLAN 127C20
B05 - B06	BRIDGE PLAN 127C21
B07 - B08	BRIDGE PLAN 127C22
B09 - B10	BRIDGE PLAN 127C23
B11 - B12	BRIDGE PLAN 127C24
B13 - B14	BRIDGE PLAN 127C25
B15 - B16	BRIDGE PLAN 127C27
B17 - B18	BRIDGE PLAN 127C28
B19 - B20	BRIDGE PLAN 127C29
B21 - B22	BRIDGE PLAN 127C30

BRIDGE 27C30 S.A.P. 142-594-007	
CROSS LENGTH	390.00 FT. 0.113 MILES
BRIDGES LENGTH	390.00 FT. 0.113 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	390.00 FT. 0.113 MILES
NOTE	
BRIDGE 27C21 S.A.P. 142-594-002	
CROSS LENGTH	516.00 FT. 0.150 MILES
BRIDGES LENGTH	516.00 FT. 0.150 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	516.00 FT. 0.150 MILES
NOTE	
BRIDGE 27C23 S.A.P. 142-594-005	
CROSS LENGTH	169.00 FT. 0.105 MILES
BRIDGES LENGTH	169.00 FT. 0.105 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	169.00 FT. 0.105 MILES
NOTE	
BRIDGE 27C24 S.A.P. 142-594-006	
CROSS LENGTH	169.00 FT. 0.105 MILES
BRIDGES LENGTH	169.00 FT. 0.105 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	169.00 FT. 0.105 MILES
NOTE	
BRIDGE 27C25 S.A.P. 142-594-005	
CROSS LENGTH	390.00 FT. 0.113 MILES
BRIDGES LENGTH	390.00 FT. 0.113 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	390.00 FT. 0.113 MILES
NOTE	
BRIDGE 27C26 S.A.P. 142-594-005	
CROSS LENGTH	390.00 FT. 0.113 MILES
BRIDGES LENGTH	390.00 FT. 0.113 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	390.00 FT. 0.113 MILES
NOTE	
BRIDGE 27C27 S.A.P. 142-594-007	
CROSS LENGTH	413.00 FT. 0.122 MILES
BRIDGES LENGTH	413.00 FT. 0.122 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	413.00 FT. 0.122 MILES
NOTE	
BRIDGE 27C28 S.A.P. 142-594-004	
CROSS LENGTH	390.00 FT. 0.113 MILES
BRIDGES LENGTH	390.00 FT. 0.113 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	390.00 FT. 0.113 MILES
NOTE	
BRIDGE 27C29 S.A.P. 142-594-003	
CROSS LENGTH	414.00 FT. 0.122 MILES
BRIDGES LENGTH	414.00 FT. 0.122 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	414.00 FT. 0.122 MILES
NOTE	
BRIDGE 27C30 S.A.P. 142-594-003	
CROSS LENGTH	492.00 FT. 0.141 MILES
BRIDGES LENGTH	492.00 FT. 0.141 MILES
EXCEPTIONS LENGTH	0.00 FT. 0.000 MILES
NET LENGTH	492.00 FT. 0.141 MILES
NOTE	



BRIDGE	S.A.P.	STATIONING
BRIDGE 27C30	S.A.P. 142-594-003	STA. 61+60.00 TO STA. 67+60.00
BRIDGE 27C21	S.A.P. 142-594-002	STA. 23+77.00 TO STA. 297+83.84
BRIDGE 27C22	S.A.P. 142-594-007	STA. 703+74.25 TO STA. 707+04.52
BRIDGE 27C23	S.A.P. 142-594-005	STA. 120+03.63 TO STA. 106+59.77
BRIDGE 27C24	S.A.P. 142-594-006	STA. 556+67.34 TO STA. 603+83.58
BRIDGE 27C25	S.A.P. 142-594-005	STA. 28+62.63 TO STA. 105+33.00
BRIDGE 27C26	S.A.P. 142-594-005	STA. 630+35.23 TO STA. 897+83.43
BRIDGE 27C27	S.A.P. 142-594-007	STA. 600+83.24 TO STA. 805+00.00
BRIDGE 27C28	S.A.P. 142-594-004	STA. 500+14.62 TO STA. 305+15.52

I HEREBY CERTIFY THAT THE PLANS, SPECIFICATIONS, AND QUANTITIES WERE 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.

DATE: _____ SIGNATURE: _____ LICENSE #: _____

THIS PLAN CONTAINS 829 SHEETS

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES WILL BE EMPLOYED WITHIN THE CONSTRUCTION OF THIS PROJECT.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTING AGENCIES AND LOCAL GOVERNMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTING AGENCIES AND LOCAL GOVERNMENTS.

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

SCALE: AS SHOWN

SCALES

PLAN	1" = 50'
PROFILE	1" = 50'
INDEX MAP	1" = 3000'
GENERAL LAYOUT	1" = 100'

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL 2. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHAPTER 8000, ENTITLED "STANDARD OUTLINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

MINNESOTA STRUCTURE INVENTORY REPORT

Bridge ID: L9616

SMETANA DR over PED-BIKE PATH

Date: 04/21/2016

+ GENERAL +	+ ROADWAY +	+ INSPECTION +
Agency Br. No. L9616	Bridge Match ID (TIS) 1	Deficient Status F.O.
District METRO Maint. Area	Roadway O/U Key 1-ON	Sufficiency Rating 77.8
County 27 - HENNEPIN	Route Sys/Nbr MUN 1092	Last Inspection Date 10-30-2014
City MINNETONKA	Roadway Name or Description	Inspection Frequency 24
Township	SMETANA DR	Inspector Name MINNETONKA
Desc. Loc. 0.1 MI N OF SMETANA DR	Roadway Function MAINLINE	Status A-OPEN
Sect., Twp., Range 36 - 117N - 22W	Roadway Type 2 WAY TRAF	+ NBI CONDITION RATINGS +
Latitude 44d 54m 18.85s	Control Section (TH Only)	Deck 7
Longitude 93d 24m 23.08s	Ref. Point	Superstructure 7
Custodian CITY	Date Opened to Traffic	Substructure 8
Owner CITY	Detour Length 1 mi.	Channel N
Inspection By CITY OF MINNETONKA	Lanes 4 Lanes ON Bridge	Culvert N
Year Built 1976	ADT (YEAR) 1,198 (2010)	+ NBI APPRAISAL RATINGS +
MN Year Remodeled	HCADT	Structure Evaluation 7
FHWA Year Reconstructed	Functional Class. URB COLL	Deck Geometry 2
Bridge Plan Location MUNICIPAL	+ RDWY DIMENSIONS +	Underclearances N
ABC Suitable	If Divided NB-EB SB-WB	Waterway Adequacy N
	Roadway Width 15.3 ft 27.8 ft	Approach Alignment 8
	Vertical Clearance	+ SAFETY FEATURES +
	Max. Vert. Clear.	Bridge Railing 1-MEETS STANDARDS
	Horizontal Clear. 63.0 ft	GR Transition 1-MEETS STANDARDS
	Lateral Clear. - L/Rt	Appr. Guardrail 1-MEETS STANDARDS
	Appr. Surface Width 80.0 ft	GR Termini 1-MEETS STANDARDS
	Bridge Roadway Width 43.1 ft	+ IN DEPTH INSP. +
	Median Width on Bridge 20.0 ft	Frac. Critical
	+ MISC. BRIDGE DATA +	Underwater
	Structure Flared NO	Pinned Asbly.
	Parallel Structure NONE	Spec. Feat.
	Field Conn. ID	+ WATERWAY +
	Cantilever ID	Drainage Area
	Foundations	Waterway Opening
	Abut. CONC - SPRD SOIL	Navigation Control NOT APPL
	Pier N/A	Pier Protection
	Historic Status NOT ELIGIBLE	Nav. Vert./Horz. Clr.
	On - Off System ON	Nav. Vert. Lift Bridge Clear.
	+ PAINT +	MN Scour Code A-NON WATERWAY
	Year Painted Pct. Unsound	Scour Evaluation Year 1991
	Painted Area	+ CAPACITY RATINGS +
	Primer Type	Design Load HS 20
	Finish Type	Operating Rating HS 28.60
	+ BRIDGE SIGNS +	Inventory Rating HS 17.10
	Posted Load NOT REQUIRED	Posting
	Traffic NOT REQUIRED	Rating Date 12-07-2012
	Horizontal NOT REQUIRED	Overweight Permit Codes
	Vertical NOT APPLICABLE	A: N B: N C: N
+ STRUCTURE +		
Service On HIGHWAY		
Service Under PED;BICYCLE		
Main Span Type PRESTR SLAB SPN		
Main Span Detail		
Appr. Span Type		
Appr. Span Detail		
Skew		
Culvert Type		
Barrel Length		
Number of Spans		
MAIN: 1 APPR: 0 TOTAL: 1		
Main Span Length 18.0 ft		
Structure Length 19.3 ft		
Deck Width 88.0 ft		
Deck Material C-I-P CONCRETE		
Wear Surf Type BITUMINOUS		
Wear Surf Install Year 1999		
Wear Course/Fill Depth 0.50 ft		
Deck Membrane PREFORMED FABRIC		
Deck Rebars NONE		
Deck Rebars Install Year		
Structure Area 1,698 sq ft		
Roadway Area 829 sq ft		
Sidewalk Width - L/R		
Curb Height - L/R 0.75 ft 0.75 ft		
Rail Codes - L/R 02 02		

Resolution No. 2015-011

Resolution prioritizing a bridge replacement program

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

Section 1. Background.

- 1.01. The city of Minnetonka has reviewed pertinent data on city bridges requiring replacement, rehabilitation, or removal.
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Section 2. Council Action.


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Const. Priority	Old Bridge Number	Road Number or Name	Suff. Rating	Total Project Cost	State Bridge Funds	Federal Funds	Local or State Aid Funds	Proposed Construction Year
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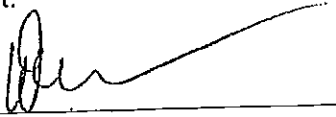
- 2.02. The city of Minnetonka does hereby request authorization to replace, rehabilitate, or remove such bridges.

- 2.03. The city of Minnetonka does hereby request financial assistance with eligible approach grading and engineering costs as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 9, 2015.


Terry Schneider, Mayor

Attest:



David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf

Seconded by: Acomb

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Ellingson, Schneider

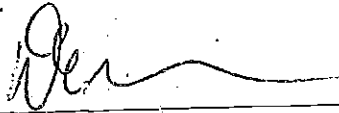
Voted against:

Abstained:

Absent: Wagner

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 February 9, 2015.



David E. Maeda, City Clerk

EXHIBIT E

GRANTEE RESOLUTION APPROVING GRANT AGREEMENT

EXHIBIT F

GENERAL TERMS AND CONDITIONS FOR LOCAL BRIDGE REPLACEMENT PROGRAM (LBRP) GRANTS

Article I DEFINITIONS

Section 1.01 **Defined Terms.** The following terms shall have the meanings set out respectively after each such term (the meanings to be equally applicable to both the singular and plural forms of the terms defined) unless the context specifically indicates otherwise:

“Advance(s)” - means an advance made or to be made by MnDOT to the Public Entity and disbursed in accordance with the provisions contained in Article VI hereof.

“Agreement” - means the Local Bridge Replacement Program Grant Agreement between the Public Entity and the Minnesota Department of Transportation to which this Exhibit is attached.

“Certification” - means the certification, in the form attached as **Exhibit C**, in which the Public Entity acknowledges that its interest in the Real Property is bond financed property within the meaning of Minn. Stat. Sec. 16A.695 and is subject to certain restrictions imposed thereby.

“Code” - means the Internal Revenue Code of 1986, as amended, and all treasury regulations, revenue procedures and revenue rulings issued pursuant thereto.

“Commissioner” - means the Commissioner of Minnesota Management & Budget.

“Commissioner’s Order” - means the “Fourth Order Amending Order of the Commissioner of Minnesota Management & Budget Relating to Use and Sale of State Bond Financed Property” dated July 30, 2012, as it may be amended or supplemented.

“Completion Date” - means the projected date for completion of the Project as indicated in the Agreement.

“Construction Contract Documents” - means the document or documents, in form and substance acceptable to MnDOT, including but not limited to any construction plans and specifications and any exhibits, amendments, change orders, modifications thereof or supplements thereto, which collectively form the contract between the Public Entity and the Contractor(s) for the completion of the Construction Items on or before the Completion Date for either a fixed price or a guaranteed maximum price.

“Construction Items” - means the work to be performed under the Construction Contract Documents.

“Contractor” - means any person engaged to work on or to furnish materials and supplies for the Construction Items including, if applicable, a general contractor.

“Draw Requisition” - means a draw requisition that the Public Entity, or its designee, submits to MnDOT when an Advance is requested, as referred to in Section 4.02.

“G.O. Bonds” - means the state general obligation bonds issued under the authority granted in Article XI, Sec. 5(a) of the Minnesota Constitution, the proceeds of which are used to fund the LBRP Grant, and any bonds issued to refund or replace such bonds.

“Grant Application” - means the grant application that the Public Entity submitted to MnDOT which is attached as **Exhibit D**.

“LBRP Grant” - means a grant from MnDOT to the Public Entity under the LBRP in the amount specified in the Agreement, as such amount may be modified under the provisions hereof.

“LBRP” - means the Local Bridge Replacement Program pursuant to Minn. Stat. Sec. 174.50 and rules relating thereto.

“MnDOT” - means the Minnesota Department of Transportation.

“Outstanding Balance of the LBRP Grant” - means the portion of the LBRP Grant that has been disbursed to the Public Entity minus any amounts returned to the Commissioner.

“Project” - means the Project identified in the Agreement to be totally or partially funded with a LBRP grant.

“Public Entity” - means the grantee of the LBRP Grant and identified as the Public Entity in the Agreement.

“Real Property” - means the real property identified in the Agreement on which the Project is located.

Article II **GRANT**

Section 2.01 **Grant of Monies.** MnDOT shall make the LBRP Grant to the Public Entity, and disburse the proceeds in accordance with the terms and conditions herein.

Section 2.02 **Public Ownership,** The Public Entity acknowledges and agrees that the LBRP Grant is being funded with the proceeds of G.O. Bonds, and as a result all of the Real Property must be owned by one or more public entities. The Public Entity represents and warrants to MnDOT that it has, or will obtain prior to construction, one or more of the following ownership interests in the Real Property: (i) fee simple ownership, (ii) an easement that is for a term that extends beyond the date that is 37.5 years from the Agreement effective date, or such shorter term as authorized by statute, and which cannot be modified or terminated early without the prior written consent of MnDOT and the Commissioner; and/or (iii) a prescriptive easement for a term that extends beyond the date that is 37.5 years from the Agreement effective date.

Section 2.03 **Use of Grant Proceeds.** The Public Entity shall use the LBRP Grant solely to reimburse itself for expenditures it has already made, or will make, to pay the costs of one or more of the following activities: (i) constructing or reconstructing a bridge, (ii) abandoning an existing bridge that is deficient and in need of replacement, but where no replacement will be made, or (iii) constructing a road to facilitate the abandonment or removal of an existing bridge determined to be deficient. The Public Entity shall not use the LBRP Grant for any other purpose, including but not limited to, any work to be done on a state trunk highway or within a trunk highway easement. .

Section 2.04 Operation of the Real Property. The Real Property must be used by the Public Entity in conjunction with or for the operation of a county highway, county state-aid highway, town road, or city street and for other uses customarily associated therewith, such as trails and utility corridors, and for no other purposes or uses. The Public Entity shall have no intention on the effective date of the Agreement to use the Real Property as a trunk highway or any part of a trunk highway. The Public Entity must annually determine that the Real Property is being used for the purposes specified in this Section and, upon written request by either MnDOT or the Commissioner, shall supply a notarized statement to that effect.

Section 2.05 Sale or Lease of Real Property. The Public Entity shall not (i) sell or transfer any part of its ownership interest in the Real Property, or (ii) lease out or enter into any contract that would allow another entity to use or operate the Real Property without the written consent of both MnDOT and the Commissioner. The sale or transfer of any part of the Public Entity's ownership interest in the Real Property, or any lease or contract that would allow another entity to use or operate the Real Property, must comply with the requirements imposed by Minn. Stat. Sec. 16A.695 and the Commissioner's Order regarding such sale or lease.

Section 2.06 Public Entity's Representations and Warranties. The Public Entity represents and warrants to MnDOT that:

- A. It has legal authority to execute, deliver and perform the Agreement and all documents referred to therein, and it has taken all actions necessary to its execution and delivery of such documents.
- B. It has the ability and a plan to fund the operation of the Real Property for the purposes specified in Section 2.04, and will include in its annual budget all funds necessary for the operation of the Real Property for such purposes.
- C. The Agreement and all other documents referred to therein are the legal, valid and binding obligations of the Public Entity enforceable against the Public Entity in accordance with their respective terms.
- D. It will comply with all of the provisions of Minn. Stat. Sec. 16A.695, the Commissioner's Order and the LBRP. It has legal authority to use the G.O. Grant for the purpose or purposes described in this Agreement.
- E. All of the information it has submitted or will submit to MnDOT or the Commissioner relating to the LBRP Grant or the disbursement of the LBRP Grant is and will be true and correct.
- F. It is not in violation of any provisions of its charter or of the laws of the State of Minnesota, and there are no actions or proceedings pending, or to its knowledge threatened, before any judicial body or governmental authority against or affecting it relating to the Real Property, or its ownership interest therein, and it is not in default with respect to any order, writ, injunction, decree, or demand of any court or any governmental authority which would impair its ability to enter into the Agreement or any document referred to herein, or to perform any of the acts required of it in such documents.
- G. Neither the execution and delivery of the Agreement or any document referred to herein nor compliance with any of the provisions or requirements of any of such documents is prevented by, is a breach of, or will result in a breach of, any provision of any agreement or document to which it is now a party or by which it is bound.

- H. The contemplated use of the Real Property will not violate any applicable zoning or use statute, ordinance, building code, rule or regulation, or any covenant or agreement of record relating thereto.
- I. The Project will be completed and the Real Property will be operated in full compliance with all applicable laws, rules, ordinances, and regulations of any federal, state, or local political subdivision having jurisdiction over the Project and the Real Property.
- J. All applicable licenses, permits and bonds required for the performance and completion of the Project and for the operation of the Real Property as specified in Section 2.04 have been, or will be, obtained.
- K. It reasonably expects to possess its ownership interest in the Real Property described in Section 2.02 for at least 37.5 years, and it does not expect to sell such ownership interest.
- L. It does not expect to lease out or enter into any contract that would allow another entity to use or operate the Real Property.
- M. It will supply whatever funds are needed in addition to the LBRP Grant to complete and fully pay for the Project.
- N. The Construction Items will be completed substantially in accordance with the Construction Contract Documents by the Completion Date and all such items will be situated entirely on the Real Property.
- O. It will require the Contractor or Contractors to comply with all rules, regulations, ordinances, and laws bearing on its performance under the Construction Contract Documents.
- P. It shall furnish such satisfactory evidence regarding the representations and warranties described herein as may be required and requested by either MnDOT or the Commissioner.
- Q. It has made no material false statement or misstatement of fact in connection with its receipt of the G.O. Grant, and all the information it has submitted or will submit to the State Entity or Commissioner of MMB relating to the G.O. Grant or the disbursement of any of the G.O. Grant is and will be true and correct.

Section 2.07 Event(s) of Default. The following events shall, unless waived in writing by MnDOT and the Commissioner, constitute an Event of Default under the Agreement upon either MnDOT or the Commissioner giving the Public Entity 30 days' written notice of such event and the Public Entity's failure to cure such event during such 30-day time period for those Events of Default that can be cured within 30 days or within whatever time period is needed to cure those Events of Default that cannot be cured within 30 days as long as the Public Entity is using its best efforts to cure and is making reasonable progress in curing such Events of Default; however, in no event shall the time period to cure any Event of Default exceed six (6) months unless otherwise consented to, in writing, by MnDOT and the Commissioner.

- A. If any representation, covenant, or warranty made by the Public Entity herein or in any other document furnished pursuant to the Agreement, or to induce MnDOT to disburse the LBRP Grant, shall prove to have been untrue or incorrect in any material respect or materially misleading as of the time such representation, covenant, or warranty was made.

- B. If the Public Entity fails to fully comply with any provision, covenant, or warranty contained herein.
- C. If the Public Entity fails to fully comply with any provision, covenant or warranty contained in Minn. Stat. Sec. 16A.695, the Commissioner's Order, or Minn. Stat. Sec. 174.52 and all rules related thereto.
- D. If the Public Entity fails to use the proceeds of the LBRP Grant for the purposes set forth in Section 2.03, the Grant Application, and in accordance with the LBRP.
- E. If the Public Entity fails to operate the Real Property for the purposes specified in Section 2.04.
- F. If the Public Entity fails to complete the Project by the Completion Date.
- G. If the Public Entity sells or transfers any portion of its ownership interest in the Real Property without first obtaining the written consent of both MnDOT and the Commissioner.
- H. If the Public Entity fails to provide any additional funds needed to fully pay for the Project.
- I. If the Public Entity fails to supply the funds needed to operate the Real Property in the manner specified in Section 2.04.

Notwithstanding the foregoing, any of the above events that cannot be cured shall, unless waived in writing by MnDOT and the Commissioner, constitute an Event of Default under the Agreement immediately upon either MnDOT or the Commissioner giving the Public Entity written notice of such event.

Section 2.08 **Remedies.** Upon the occurrence of an Event of Default and at any time thereafter until such Event of Default is cured to the satisfaction of MnDOT, MnDOT or the Commissioner may enforce any or all of the following remedies.

- A. MnDOT may refrain from disbursing the LBRP Grant; provided, however, MnDOT may make such disbursements after the occurrence of an Event of Default without waiving its rights and remedies hereunder.
- B. If the Event of Default involves a sale of the Public Entity's interest in the Real Property in violation of Minn. Stat. Sec. 16A.695 or the Commissioner's Order, the Commissioner, as a third party beneficiary of the Agreement, may require that the Public Entity pay the amounts that would have been paid if there had been compliance with such provisions. For other Events of Default, the Commissioner may require that the Outstanding Balance of the LBRP Grant be returned to it.
- C. Either MnDOT or the Commissioner, as a third party beneficiary of the Agreement, may enforce any additional remedies it may have in law or equity.

The rights and remedies specified herein are cumulative and not exclusive of any rights or remedies that MnDOT or the Commissioner would otherwise possess.

If the Public Entity does not repay the amounts required to be paid under this Section or under any other provision contained herein within 30 days of demand by the Commissioner, or any amount ordered by a court of competent jurisdiction within 30 days of entry of judgment against the Public Entity and in favor

of MnDOT and/or the Commissioner, then such amount may, unless precluded by law, be offset against any aids or other monies that the Public Entity is entitled to receive from the State of Minnesota.

Section 2.09 Notification of Event of Default. The Public Entity shall furnish to MnDOT and the Commissioner, as soon as possible and in any event within seven (7) days after it has obtained knowledge of the occurrence of each Event of Default, a statement setting forth details of each Event of Default and the action which the Public Entity proposes to take with respect thereto.

Section 2.10 Effect of Event of Default. The Agreement shall survive Events of Default and remain in full force and effect, even upon full disbursement of the LBRP Grant, and shall only be terminated under the circumstances set forth in Section 2.11.

Section 2.11 Termination of Agreement and Modification of LBRP Grant.

A. If the Project is not started within five (5) years after the effective date of the Agreement or the LBRP Grant has not been disbursed within four (4) years after the date the Project was started, MnDOT's obligation to fund the LBRP Grant shall terminate. In such event, (i) if none of the LBRP Grant has been disbursed by such date, MnDOT shall have no obligation to fund the LBRP Grant and the Agreement will terminate, and (ii) if some but not all of the LBRP Grant has been disbursed by such date, MnDOT shall have no further obligation to provide any additional funding for the LBRP Grant and the Agreement shall remain in force but shall be modified to reflect the amount of the LBRP Grant that was actually disbursed and the Public Entity is still obligated to complete the Project by the Completion Date.

B. The Agreement shall terminate upon the Public Entity's sale of its interest in the Real Property and transmittal of the required portion of the proceeds of the sale to the Commissioner in compliance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order, or upon the termination of the Public Entity's ownership interest in the Real Property if such ownership interest is an easement.

Section 2.12 Excess Funds. If the full amount of the G.O. Grant and any matching funds referred to in Section 5.13 are not needed to complete the Project, then, unless language in the G.O. Bonding Legislation indicates otherwise, the G.O. Grant shall be reduced by the amount not needed.

Article III
COMPLIANCE WITH MINNESOTA STATUTE, SEC. 16A.695
AND THE COMMISSIONER'S ORDER

Section 3.01 State Bond Financed Property. The Public Entity acknowledges that its interest in the Real Property is, or when acquired by it will be, "state bond financed property", as such term is used in Minn. Stat. Sec. 16A.695 and the Commissioner's Order and, therefore, the provisions contained in such statute and order apply, or will apply, to its interest in the Real Property, even if the LBRP Grant will only pay for a portion of the Project.

Section 3.02 Preservation of Tax Exempt Status. In order to preserve the tax-exempt status of the G.O. Bonds, the Public Entity agrees as follows:

A. It will not use the Real Property or use or invest the LBRP Grant or any other sums treated as "bond proceeds" under Section 148 of the Code (including "investment proceeds," "invested sinking funds" and "replacement proceeds") in such a manner as to cause the G.O. Bonds to be classified as "arbitrage bonds" under Code Section 148.

- B. It will deposit and hold the LBRP Grant in a segregated non-interest-bearing account until such funds are used for payments for the Project.
- C. It will, upon written request, provide the Commissioner all information required to satisfy the informational requirements set forth in the Code, including Sections 103 and 148, with respect to the G.O. Bonds.
- D. It will, upon the occurrence of any act or omission by the Public Entity that could cause the interest on the G.O. Bonds to no longer be tax exempt and upon direction from the Commissioner, take such actions and furnish such documents as the Commissioner determines to be necessary to ensure that the interest to be paid on the G.O. Bonds is exempt from federal taxation, which such action may include: (i) compliance with proceedings intended to classify the G.O. Bonds as a “qualified bond” within the meaning of Code Section 141(e), or (ii) changing the nature of the use of the Real Property so that none of the net proceeds of the G.O. Bonds will be deemed to be used, directly or indirectly, in an “unrelated trade or business” or for any “private business use” within the meaning of Code Sections 141(b) and 145(a).
- E. It will not otherwise use any of the LBRP Grant or take, permit or cause to be taken, or omit to take, any action that would adversely affect the exemption from federal income taxation of the interest on the G.O. Bonds, and if it should take, permit or cause to be taken, or omit to take, as appropriate, any such action, it shall take all lawful actions necessary to correct such actions or omissions promptly upon obtaining knowledge thereof.

Section 3.03 **Changes to G.O. Compliance Legislation or the Commissioner’s Order.** If Minn. Stat. Sec. 16A.695 or the Commissioner’s Order is amended in a manner that reduces any requirement imposed against the Public Entity, or if the Public Entity’s interest in the Real Property becomes exempted from Minn. Stat. Sec. 16A.695 and the Commissioner’s Order, then upon written request by the Public Entity, MnDOT shall execute an amendment to the Agreement to implement such amendment or exempt the Public Entity’s interest in the Real Property from Minn. Stat. Sec. 16A.695 and the Commissioner’s Order.

Article IV **DISBURSEMENT OF GRANT PROCEEDS**

Section 4.01 **The Advances.** MnDOT agrees, on the terms and subject to the conditions set forth herein, to make Advances of the LBRP Grant to the Public Entity from time to time in an aggregate total amount not to exceed the amount of the LBRP Grant. If the amount of LBRP Grant that MnDOT cumulatively disburses hereunder to the Public Entity is less than the amount of the LBRP Grant delineated in Section 1.01, then MnDOT and the Public Entity shall enter into and execute whatever documents MnDOT may request in order to amend or modify this Agreement to reduce the amount of the LBRP Grant to the amount actually disbursed. Provided, however, in accordance with the provisions contained in Section 2.11, MnDOT’s obligation to make Advances shall terminate as of the dates specified in Section 2.11 even if the entire LBRP Grant has not been disbursed by such dates.

Advances shall only be for expenses that (i) are for those items of a capital nature delineated in Source and Use of Funds that is attached as **Exhibit A**, (ii) accrued no earlier than the effective date of the legislation that appropriated the funds that are used to fund the LBRP Grant, or (iii) have otherwise been consented to, in writing, by the Commissioner.

It is the intent of the parties hereto that the rate of disbursement of the Advances shall not exceed the rate of completion of the Project or the rate of disbursement of the matching funds required, if any, under Section

5.13. Therefore, the cumulative amount of all Advances disbursed by the State Entity at any point in time shall not exceed the portion of the Project that has been completed and the percentage of the matching funds required, if any, under Section 5.13 that have been disbursed as of such point in time. This requirement is expressed by way of the following two formulas:

Formula #1:

Cumulative Advances \leq (Program Grant) \times (percentage of matching funds, if any, required under Section 5.13 that have been disbursed)

Formula #2:

Cumulative Advances \leq (Program Grant) \times (percentage of Project completed)

Section 4.02 **Draw Requisitions.** Whenever the Public Entity desires a disbursement of a portion of the LBRP Grant the Public Entity shall submit to MnDOT a Draw Requisition duly executed on behalf of the Public Entity or its designee. Each Draw Requisition with respect to construction items shall be limited to amounts equal to: (i) the total value of the classes of the work by percentage of completion as approved by the Public Entity and MnDOT, plus (ii) the value of materials and equipment not incorporated in the Project but delivered and suitably stored on or off the Real Property in a manner acceptable to MnDOT, less (iii) any applicable retainage, and less (iv) all prior Advances.

Notwithstanding anything herein to the contrary, no Advances for materials stored on or off the Real Property will be made by MnDOT unless the Public Entity shall advise MnDOT, in writing, of its intention to so store materials prior to their delivery and MnDOT has not objected thereto.

At the time of submission of each Draw Requisition, other than the final Draw Requisition, the Public Entity shall submit to MnDOT such supporting evidence as may be requested by MnDOT to substantiate all payments which are to be made out of the relevant Draw Requisition or to substantiate all payments then made with respect to the Project.

The final Draw Requisition shall not be submitted before completion of the Project, including any correction of material defects in workmanship or materials (other than the completion of punch list items). At the time of submission of the final Draw Requisition the Public Entity shall submit to MnDOT: (I) such supporting evidence as may be requested by MnDOT to substantiate all payments which are to be made out of the final Draw Requisition or to substantiate all payments then made with respect to the Project, and (ii) satisfactory evidence that all work requiring inspection by municipal or other governmental authorities having jurisdiction has been duly inspected and approved by such authorities and that all requisite certificates and other approvals have been issued.

If on the date an Advance is desired the Public Entity has complied with all requirements of this Agreement and MnDOT approves the relevant Draw Requisition, then MnDOT shall disburse the amount of the requested Advance to the Public Entity.

Section 4.03 **Additional Funds.** If MnDOT shall at any time in good faith determine that the sum of the undisbursed amount of the LBRP Grant plus the amount of all other funds committed to the Project is less than the amount required to pay all costs and expenses of any kind which reasonably may be anticipated in connection with the Project, then MnDOT may send written notice thereof to the Public Entity specifying the amount which must be supplied in order to provide sufficient funds to complete the Project. The Public Entity agrees that it will, within 10 calendar days of receipt of any such notice, supply or have some other entity supply the amount of funds specified in MnDOT's notice.

Section 4.04 **Condition Precedent to Any Advance.** The obligation of MnDOT to make any Advance hereunder (including the initial Advance) shall be subject to the following conditions precedent:

- A. MnDOT shall have received a Draw Requisition for such Advance specifying the amount of funds being requested, which such amount when added to all prior requests for an Advance shall not exceed the amount of the LBRP Grant set forth in Section 1.01.
- B. No Event of Default under this Agreement or event which would constitute an Event of Default but for the requirement that notice be given or that a period of grace or time elapse shall have occurred and be continuing.
- C. No determination shall have been made by MnDOT that the amount of funds committed to the Project is less than the amount required to pay all costs and expenses of any kind that may reasonably be anticipated in connection with the Project, or if such a determination has been made and notice thereof sent to the Public Entity under Section 4.03, then the Public Entity has supplied, or has caused some other entity to supply, the necessary funds in accordance with such section or has provided evidence acceptable to MnDOT that sufficient funds are available.
- D. The State Entity shall have received evidence, in form and substance acceptable to the State Entity, that the Public Entity has sufficient funds to fully and completely pay for the Project and all other expenses that may occur in conjunction therewith.
- E. The Public Entity has supplied to the State Entity all other items that the State Entity may reasonably require

Section 4.05 **Processing and Disbursement of Advances.** The Public Entity acknowledges and agrees as follows:

- A. Advances are not made prior to completion of work performed on the Project.
- B. All Advances are processed on a reimbursement basis.
- C. The Public Entity must first document expenditures to obtain an Advance.
- D. Reimbursement requests are made on a partial payment basis or when the Project is completed.
- E. All payments are made following the “Delegated Contract Process or State Aid Payment Request” as requested and approved by the appropriate district state aid engineer.

Section 4.06 **Construction Inspections.** The Public Entity shall be responsible for making its own inspections and observations regarding the completion of the Project, and shall determine to its own satisfaction that all work done or materials supplied have been properly done or supplied in accordance with all contracts that the Public Entity has entered into regarding the completion of the Project.

Article V MISCELLANEOUS

Section 5.01 **Insurance.** If the Public Entity elects to maintain general comprehensive liability insurance regarding the Real Property, then the Public Entity shall have MnDOT named as an additional named insured therein.

Section 5.02 Condemnation. If, after the Public Entity has acquired the ownership interest set forth in Section 2.02, all or any portion of the Real Property is condemned to an extent that the Public Entity can no longer comply with Section 2.04, then the Public Entity shall, at its sole option, either: (i) use the condemnation proceeds to acquire an interest in additional real property needed for the Public Entity to continue to comply with Section 2.04 and to provide whatever additional funds that may be needed for such purposes, or (ii) submit a request to MnDOT and the Commissioner to allow it to sell the remaining portion of its interest in the Real Property. Any condemnation proceeds which are not used to acquire an interest in additional real property shall be applied in accordance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order as if the Public Entity's interest in the Real Property had been sold. If the Public Entity elects to sell its interest in the portion of the Real Property that remains after the condemnation, such sale must occur within a reasonable time period after the date the condemnation occurred and the cumulative sum of the condemnation and sale proceeds applied in accordance with Minn. Stat. Sec. 16A.695 and the Commissioner's Order.

If MnDOT receives any condemnation proceeds referred to herein, MnDOT agrees to or pay over to the Public Entity all of such condemnation proceeds so that the Public Entity can comply with the requirements of this Section.

Section 5.03 Use, Maintenance, Repair and Alterations. The Public Entity shall not, without the written consent of MnDOT and the Commissioner, (i) permit or allow the use of any of the Real Property for any purpose other than the purposes specified in Section 2.04, (ii) substantially alter any of the Real Property except such alterations as may be required by laws, ordinances or regulations, or such other alterations as may improve the Real Property by increasing its value or which improve its ability to be used for the purposes set forth in Section 2.04, (iii) take any action which would unduly impair or depreciate the value of the Real Property, (iv) abandon the Real Property, or (v) commit or permit any act to be done in or on the Real Property in violation of any law, ordinance or regulation.

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

Section 5.04 Recordkeeping and Reporting. The Public Entity shall maintain books and records pertaining to Project costs and expenses needed to comply with the requirements contained herein, Minn. Stat. Sec. 16A.695, the Commissioner's Order, and Minn. Stat. Sec. 174.52 and all rules related thereto, and upon request shall allow MnDOT, its auditors, the Legislative Auditor for the State of Minnesota, or the State Auditor for the State of Minnesota, to inspect, audit, copy, or abstract all of such items. The Public Entity shall use generally accepted accounting principles in the maintenance of such items, and shall retain all of such books and records for a period of six years after the date that the Project is fully completed and placed into operation.

Section 5.05 Inspections by MnDOT. The Public Entity shall allow MnDOT to inspect the Real Property upon reasonable request by MnDOT and without interfering with the normal use of the Real Property.

Section 5.06 Liability. The Public Entity and MnDOT agree that each will be responsible for its own acts and the results thereof to the extent authorized by law, and neither shall be responsible for the acts of the other party and the results thereof. The liability of MnDOT and the Commissioner is governed by the provisions of Minn. Stat. Sec. 3.736. If the Public Entity is a “municipality” as that term is used in Minn. Stat. Chapter 466, then the liability of the Public Entity is governed by the provisions of Chapter 466. The Public Entity’s liability hereunder shall not be limited to the extent of insurance carried by or provided by the Public Entity, or subject to any exclusion from coverage in any insurance policy.

Section 5.07 Relationship of the Parties. Nothing contained in the Agreement is to be construed as establishing a relationship of co-partners or joint venture among the Public Entity, MnDOT, or the Commissioner, nor shall the Public Entity be considered to be an agent, representative, or employee of MnDOT, the Commissioner, or the State of Minnesota in the performance of the Agreement or the Project.

No employee of the Public Entity or other person engaging in the performance of the Agreement or the Project shall be deemed have any contractual relationship with MnDOT, the Commissioner, or the State of Minnesota and shall not be considered an employee of any of those entities. Any claims that may arise on behalf of said employees or other persons out of employment or alleged employment, including claims under the Workers’ Compensation Act of the State of Minnesota, claims of discrimination against the Public Entity or its officers, agents, contractors, or employees shall in no way be the responsibility of MnDOT, the Commissioner, or the State of Minnesota. Such employees or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from MnDOT, the Commissioner, or the State of Minnesota, including tenure rights, medical and hospital care, sick and vacation leave, disability benefits, severance pay and retirement benefits.

Section 5.08 Notices. In addition to any notice required under applicable law to be given in another manner, any notices required hereunder must be in writing and personally served or sent by prepaid, registered, or certified mail (return receipt requested), to the address of the party specified below or to such different address as may in the future be specified by a party by written notice to the others:

To the Public Entity: At the address indicated on the first page of the Agreement.

To MnDOT at: Minnesota Department of Transportation
Office of State Aid
395 John Ireland Blvd., MS 500
Saint Paul, MN 55155
Attention: Marc Briese, State Aid Programs Engineer

To the Commissioner at: Minnesota Management & Budget
400 Centennial Office Bldg.
658 Cedar St.
St. Paul, MN 55155
Attention: Commissioner

Section 5.09 Assignment or Modification. Neither the Public Entity nor MnDOT may assign any of its rights or obligations under the Agreement without the prior written consent of the other party.

Section 5.10 Waiver. Neither the failure by the Public Entity, MnDOT, or the Commissioner, as a third party beneficiary of the Agreement, in one or more instances to insist upon the complete observance or performance of any provision hereof, nor the failure of the Public Entity, MnDOT, or the Commissioner to exercise any right or remedy conferred hereunder or afforded by law shall be construed as waiving any breach of such provision or the right to exercise such right or remedy thereafter. In addition, no delay by

any of the Public Entity, MnDOT, or the Commissioner in exercising any right or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right or remedy preclude other or further exercise thereof or the exercise of any other right or remedy.

Section 5.11 Choice of Law and Venue. All matters relating to the validity, interpretation, performance, or enforcement of the Agreement shall be determined in accordance with the laws of the State of Minnesota. All legal actions arising from any provision of the Agreement shall be initiated and venued in the State of Minnesota District Court located in St. Paul, Minnesota.

Section 5.12 Severability. If any provision of the Agreement is finally judged by any court to be invalid, then the remaining provisions shall remain in full force and effect and they shall be interpreted, performed, and enforced as if the invalid provision did not appear herein.

Section 5.13 Matching Funds. Any matching funds as shown on Page 1 of the Grant Agreement that are required to be obtained and supplied by the Public Entity must either be in the form of (i) cash monies, (ii) legally binding commitments for money, or (iii) equivalent funds or contributions, including equity, which have been or will be used to pay for the Project. The Public Entity shall supply to MnDOT whatever documentation MnDOT may request to substantiate the availability and source of any matching funds.

Section 5.14 Sources and Uses of Funds. The Public Entity represents to MnDOT and the Commissioner that the Sources and Uses of Funds Schedule attached as **Exhibit A** accurately shows the total cost of the Project and all of the funds that are available for the completion of the Project. The Public Entity will supply any other information and documentation that MnDOT or the Commissioner may request to support or explain any of the information contained in the Sources and Uses of Funds Schedule. If any of the funds shown in the Sources and Uses of Funds Schedule have conditions precedent to the release of such funds, the Public Entity must provide to MnDOT a detailed description of such conditions and what is being done to satisfy such conditions.

Section 5.15 Project Completion Schedule. The Public Entity represents to MnDOT and the Commissioner that the Project Completion Schedule attached as **Exhibit B** correctly and accurately sets forth the projected schedule for the completion of the Project.

Section 5.16 Third-Party Beneficiary. The Governmental Program will benefit the State of Minnesota and the provisions and requirements contained herein are for the benefit of both the State Entity and the State of Minnesota. Therefore, the State of Minnesota, by and through its Commissioner of MMB, is and shall be a third-party beneficiary of this Agreement.

Section 5.17 Public Entity Tasks. Any tasks that the Agreement imposes upon the Public Entity may be performed by such other entity as the Public Entity may select or designate, provided that the failure of such other entity to perform said tasks shall be deemed to be a failure to perform by the Public Entity.

Section 5.18 Data Practices. The Public Entity agrees with respect to any data that it possesses regarding the G.O. Grant or the Project to comply with all of the provisions and restrictions contained in the Minnesota Government Data Practices Act contained in Minnesota Statutes Chapter 13, as such may subsequently be amended or replaced from time to time.

Section 5.19 Non-Discrimination. The Public Entity agrees to not engage in discriminatory employment practices regarding the Project and it shall fully comply with all of the provisions contained in Minnesota Statutes Chapters 363A and 181, as such may subsequently be amended or replaced from time to time.

Section 5.20 **Worker's Compensation.** The Public Entity agrees to comply with all of the provisions relating to worker's compensation contained in Minn. Stat. Secs. 176.181 subd. 2 and 176.182, as they may be amended or replaced from time to time with respect to the Project.

Section 5.21 **Antitrust Claims.** The Public Entity hereby assigns to MnDOT and the Commissioner of MMB all claims it may have for over charges as to goods or services provided with respect to the Project that arise under the antitrust laws of the State of Minnesota or of the United States of America.

Section 5.22 **Prevailing Wages.** The Public Entity agrees to comply with all of the applicable provisions contained in Minnesota Statutes Chapter 177, and specifically those provisions contained in Minn. Stat. §. 177.41 through 177.435 as they may be amended or replaced from time to time with respect to the Project. By agreeing to this provision, the Public Entity is not acknowledging or agreeing that the cited provisions apply to the Project.

Section 5.23 **Entire Agreement.** The Agreement and all of the exhibits attached thereto embody the entire agreement between the Public Entity and MnDOT, and there are no other agreements, either oral or written, between the Public Entity and MnDOT on the subject matter hereof.

Section 5.24 **E-Verification.** The Public Entity agrees and acknowledges that it is aware of Minn.Stat. § 16C.075 regarding e-verification of employment of all newly hired employees to confirm that such employees are legally entitled to work in the United States, and that it will, if and when applicable, fully comply with such order.

Section 5.25 **Telecommunications Certification.** If federal funds are included in Exhibit A, by signing this agreement, Contractor certifies that, consistent with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232 (Aug. 13, 2018), and 2 CFR 200.216, Contractor will not use funding covered by this agreement to procure or obtain, or to extend, renew, or enter into any contract to procure or obtain, any equipment, system, or service that uses "covered telecommunications equipment or services" (as that term is defined in Section 889 of the Act) as a substantial or essential component of any system or as critical technology as part of any system. Contractor will include this certification as a flow down clause in any contract related to this agreement.

Section 5.26 **Title VI/Non-discrimination Assurances.** Public Entity agrees to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular Appendices A and E, which can be found at: https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035. Public Entity will ensure the appendices and solicitation language within the assurances are inserted into contracts as required. MnDOT may conduct a review of the Public Entity's compliance with this provision. The Public Entity must cooperate with MnDOT throughout the review process by supplying all requested information and documentation to MnDOT, making Public Entity staff and officials available for meetings as requested, and correcting any areas of non-compliance as determined by MnDOT.

City Council Agenda Item #9D
Meeting of April 12, 2021

Brief Description: Bids for the Williston Road Lift Station Forcemain Rehabilitation Project

Recommended Action: Award the contract

Background:

The Williston Lift Station is located west of the intersection of Williston Road and Minnetonka Drive. It is the second largest of the city's 36 sanitary sewer lift stations, serving the northwest and central portions of the city. A major component of the lift station is the primary 24-inch forcemain pipe, from the lift station east to Guillian's Field Park, which was constructed in 1973. The proposed project includes rehabilitating this primary 24-inch forcemain.

In July of 2013 and January of 2014, two sections of the sanitary sewer forcemains (pressure sewers) running from the Williston Road and Main Lift Stations ruptured. Emergency repairs were made to restore service; however, further evaluation of the system revealed significant deterioration of the remaining pipe.

The city began to systematically rehabilitate the Main and Williston Lift Station systems in 2016, including the complete rehabilitation of both lift stations, lining of the existing forcemains, installation of a secondary forcemain for Williston Lift Station and replacement of the forcemain junction box. Adding the new 12-inch secondary forcemain pipe in 2020 provided redundancy to the Williston Lift Station and allows for the rehabilitation of the primary 24-inch forcemain pipe, which requires taking it out of service temporarily. The primary and secondary forcemains run in parallel alignment from the Williston Lift Station, east along Minnetonka Drive to Baker Road, enter the Minnetonka Boulevard right-of-way and continue east to the new Junction Box in Guillian's Field Park.

The rehabilitation of the primary 24-inch forcemain will complete the final piece of the systematic rehabilitation of both systems.

Proposed Improvements

Installing variable frequency drive (VFDs) controlled pumps as part of the Williston Lift Station Rehabilitation, approved by council during the Dec. 7, 2020 meeting, allows the existing pipe size to be reduced and still maintain adequate capacity, improving the operational efficiency of the system. It further reduces the long-term energy use and reduces the amount of materials required for construction. Staff reviewed several pipe rehabilitation options and identified slip lining, which pulls a permanent liner into the existing pipe, as the preferred rehabilitation method due to cost, schedule, traffic impacts and life expectancy.

Installation of the new forcemain will require the excavation of a number of lining pits along the existing alignment, primarily on Minnetonka Drive from Williston Road to Baker Road and Minnetonka Boulevard from Baker Road to Guillian's Field Park. Full closures of Minnetonka Drive will be coordinated with the immediate installation activities. A single lane of traffic in both directions will be maintained along Minnetonka Boulevard throughout the construction. The roadway disruptions will be repaired with a number of areas receiving a new roadway surface in 2022.

Bid Opening:

Bids were opened for the project on Thursday, April 1, 2021. Four bids were received in response to the call for bids. The results are tabulated as follows:

Contractor	Base Bid	Alternate No. 1	Base + Alternate Bid
Geislinger & Sons	\$2,871,242.00	\$187,000.00	\$3,058,242.00
R&R Excavating, Inc.	\$3,283,350.00	\$0.00	\$3,283,350.00
Minger Construction, Inc.	\$3,445,000.00	\$0.00	\$3,445,000.00
PCiRoads, LLC	\$3,919,559.00	\$2,188,500.00	\$6,108,059.00
<i>Engineer's Estimate</i>	<i>\$3,148,305.00</i>	<i>\$0.00</i>	<i>\$3,148,305.00</i>

The low bidder, Geislinger & Sons, is a responsible bidder and has completed many similar projects.

As part of the bid, staff did include Alternate 1 to allow contractors to consider a different type of PVC pipe for installation. This potentially allows for a wider range of bidders and material suppliers to consider the project. At this time, staff does not recommend proceeding with Alternate 1.

Project Funding & Schedule:

The total estimated project cost, including construction, engineering, administration, and contingency is \$3,800,000. Proposed funding for the project includes \$3,800,000 from the Sewer – Forcemain Lining CIP category.

	Budget Amount	Proposed Funding	Expense
Construction Costs			\$2,871,250
Contingency			\$290,000
Engineering and Administration			\$638,750
Utility Fund	\$3,800,000	\$3,800,000	
Total Budget	\$3,800,000	\$3,800,000	\$3,800,000

If the recommended action is approved by council, construction is expected to start in the spring of 2021 and be completed by November of 2021. This schedule provides sufficient lead time for the contractor to order and receive the equipment needed for the rehabilitation and reduces construction risk by allowing the critical piping improvements to take place during periods that typically experience lower flows.

Recommendation:

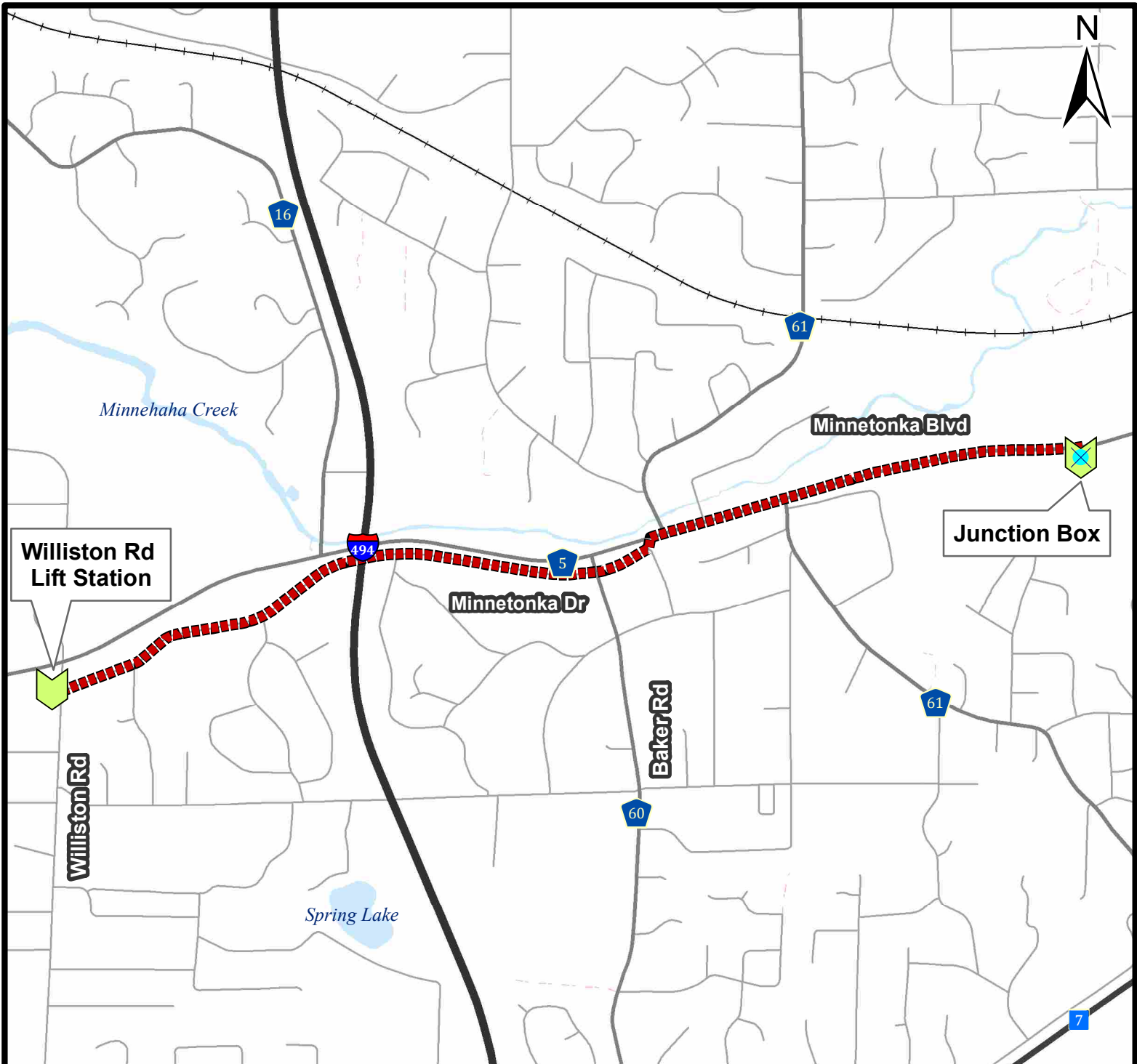
1. Award the contract for the Williston Road Lift Station Forcemain Rehabilitation to Geislinger & Sons in the amount of \$2,871,242.00.
2. Authorize the public works director to expend the allocated funds for project costs, without further council approval, provided that the total project costs do not exceed the project budget of \$3,800,000.

Submitted Through:

Geralyn Barone, City Manager
Darin Nelson, Finance Director
Will Manchester, Public Works Director

Originated by:

Mike Kuno, Utility Operations Engineer



Williston Rd
Lift Station

Junction Box

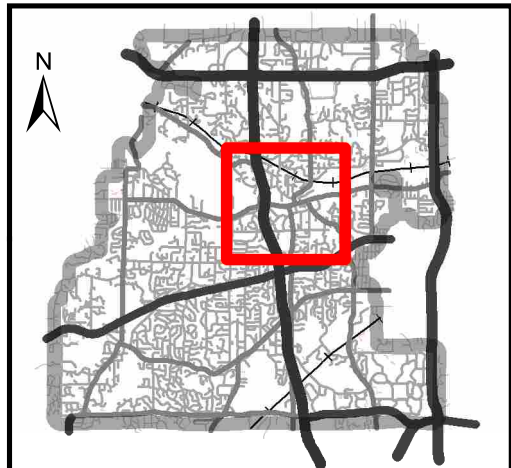
Williston Road Lift Station Forceman Lining Rehabilitation Project

■■■■■ Forceman Alignment

📍 Point of Interest



CITY OF
MINNETONKA



This map is for illustrative purposes only.

City Council Agenda Item #10A
Meeting of April 12, 2021

Brief Description Minor change to sustainability commission membership language

Recommendation Adopt the ordinance

Background

On Oct. 12, 2020, the city council adopted Ordinance No. 2020-19, creating the new sustainability commission. The ordinance identified a composition for its membership. On Feb. 22, 2021, the appointments to the commission were completed. The appointments for the commission, by code, should appoint two young adults, one of which must be a high school student.

After the appointment process, it was identified that the appointments included two college students; thus, one was not enrolled in high school. To remedy the matter, staff has proposed a minor text amendment to the ordinance.

Ordinance Change

By simply changing the word, must to may, the city would be able to continue with the appointed membership of the commission:

Section 145.010. Eligibility, Appointment and Term. (2) Two young adults (under 25 years old), one of whom ~~must~~may be a student at a high school in the Hopkins, Minnetonka, or Wayzata school district; and

Staff Recommendation

On March 8, 2021, the city council introduced this ordinance. Staff has not received any public comment. Staff recommends the council adopt the ordinance.

Submitted through:

Geraldyn Barone, City Manager

Originated by:

Julie Wischnack, AICP, Community Development Director

Ordinance No. 2021-

An ordinance amending city code 145.010, regarding a minor change to sustainability commission membership language

The City of Minnetonka Ordains:

Section 1.

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:

1. Five members appointed from the community at large;
2. Two young adults (under 25 years old), one of whom ~~must~~ may be a student at a high school in the Hopkins, Minnetonka, or Wayzata school district; and

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

Adopted by the city council of the City of Minnetonka, Minnesota, on April 12, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: March 8, 2021

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

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

Abstained:
Absent:
Ordinance adopted.

Date of publication:

Certified Copy:

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 on April 12, 2021.

Becky Koosman, City Clerk

City Council Agenda Item #10B
Meeting of April 12, 2021

Brief Description Ordinance amending city code 820.035, subdivision 1(a), regarding health and safety standards

Recommendation Adopt the ordinance

Background

The city last updated the Body Art code in 2010 when the state legislature adopted a comprehensive set of body art regulations, including tattooing. City code 820.035.Subd. 1(a) states the establishment must have at least 150 square feet of floor space. The city only has two active Body Art licenses; both applications have been for permanent cosmetic makeup or micro-blading establishments. These establishments are typically located within a medical building or salon and generally have less than 150 square feet. The services being offered usually mean that the equipment used is disposable, eliminating the need for larger tattooing or sanitizing equipment.

Staff is recommending the health department, under the Community Development Director's guidance, be able to issue a variance if the establishment does not meet the minimum square footage required. To obtain the variance, the establishment must be performing micro-pigmentation or cosmetic tattooing as described in MN state statute 146B.01.Subd.18 – meaning the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Staff Recommendation

On March 8, 2021, the city council introduced this ordinance. Staff has not received any public comment. Staff recommends the council adopt the ordinance.

Submitted through:

Geralyn Barone, City Manager
Corrine Heine, City Attorney
Julie Wischnack, AICP, Community Development Director

Originated by:

Michael Greene, MPH, RS Senior Environmental Health Specialist

Ordinance No. 2021-

An ordinance amending city code 820.035, subdivision 1(a), regarding health and safety standards

The City Of Minnetonka Ordains:

Section 1. Section 820.035, Subdivision. 1, of the Minnetonka City Code, regarding body art health and safety standards, is amended as follows:

1. Establishment standards. The body art establishment must meet all of the following health and safety standards before a licensed technician may conduct body art procedures at the establishment:

a. The establishment must have at least 150 square feet of floor space and must be lighted and ventilated to comply with standards approved by the health authority. The health authority may approve a lesser square footage if the services being performed relate exclusively to micropigmentation or cosmetic make-up tattooing, according to the following procedure:

(1) The applicant must submit a written request to the health authority that includes, at a minimum, the following information:

a) Full name and address of the licensed premises;

b) Written narrative outlining the service to be performed and why the minimum square footage cannot be met;

c) The length of time for which a the minimum square footage will not be met, which cannot exceed one year; and

d) Any other information required by the city to reasonably evaluate the request.

(2) The health authority, in its sole discretion, will evaluate the request based on the complexity of the service being offered and the square footage generally needed to perform such service.

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

The health authority will notify an applicant, in writing, of its decision regarding the request for lesser square footage. If allowed, the notice will specify the period of time the approval remains in effect and will be included in the notice.

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

Adopted by the city council of the City of Minnetonka, Minnesota, on April 12, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: March 8, 2021

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 April 12, 2021.

Becky Koosman, City Clerk

**City Council Agenda Item #10C
Meeting of April 12, 2021**

Brief Description: Collective Bargaining Agreement between the City of Minnetonka and International Union of Operating Engineers (IUOE), Local No. 49, AFL-CIO

Recommended Action: Approve the collective bargaining agreement and the three (3) Memorandum of Agreements

Background

Local 49 represents approximately 48 employees in the public works department and one employee in the recreation department. The term for the current three-year collective bargaining agreement (CBA), or more commonly referred to as labor agreement, with International Union of Operating Engineers (IUOE), Local No. 49, AFL-CIO expired on December 24, 2020. State law requires the terms and conditions of the current contract to remain in full effect until a new agreement is reached.

City staff and Local 49 representatives have reached tentative agreement on a new three-year CBA for 2021 – 2023. The union employees voted to ratify the new terms and conditions, and the city council is requested to approve it.

There was some general contract cleanup that occurred, but most notable changes to the new CBA are described below and all changes are located in the attached labor agreement.

Article 14 – Preshift Premium

This provision provides compensation for employees who are called to work prior to the starting time of the shift regularly assigned. The proposed new CBA recognizes an increase from \$8.00 per hour in the current contract to \$9.00 per hour.

Article 26- Insurance

There are no changes to the employee's monthly cafeteria benefits program in 2021. The health insurance portion of the contract remains open for negotiating 2022 and 2023 contributions.

For 2021, the city's monthly contribution toward an employee's benefits program is one thousand sixty (\$1,060) for those electing Single Coverage; one thousand two hundred seventy five (\$1,275) for Employee plus Spouse Coverage; one thousand four hundred (\$1,400) for Employee plus Child(ren) Coverage; or one thousand four hundred ninety (\$1,490) for Family Coverage. This is consistent with other city employee groups.

Appendix A – Wages

- **General Wages.** The contract language reflects the methodology discussed with the city council during the closed session on November 30, 2020. For this contract there is a shift in calculating the annual adjustments from using the median actual pay in our comparable market cities to using the median of the range maximum. This is now consistent with the current police officer contract, the recently approved police sergeant contract on March 8, 2021, as well as non-union employees.

Based on the new calculation membership of Local 49 will receive a 6.93% increase in 2021. For each year of the contract, wages will be based on the higher amount of either the base pay adjustment on the top of the wage range or the annual market rate adjustment.

In 2022 and 2023, the base wage increase is 2.00% each year plus any applicable market adjustments.

- **Acting Foreman.** This provision provides compensation for employees who are assigned by the employer as acting foreman. This generally occurs when the designated foreman is absent. The proposed new CBA recognizes an increase from \$.90 per hour in the current contract to \$1.80 per hour.
- **Crew Leader.** The proposed new CBA recognizes an increase from \$.60 per hour in the current contract to \$.90 per hour.
- **Field Training Worker.** The proposed new CBA recognizes an increase from \$.60 per hour in the current contract to \$.90 per hour.

It is also recommended the city council approve the three (3) Memorandum of Agreements (MOA). Two of the three MOAs have been included for approval with previous collective bargaining agreements. These are summarized below:

Memorandum of Agreement (MOA) - Skills Based Pay

The only change reflects the following agreed upon trainings for the term of the CBA. By December 31, 2021, labor and management will develop new Skills Based Pay certification and recertification requirements for the recertification of core skills. By December 31, 2023, labor and management will complete Red Cross certified CPR training.

Memorandum of Agreement (MOA) – Payroll – Working Past Midnight

No recommended changes.

Memorandum of Agreement (MOA) - Footwear, Eyewear and Winter Clothing

This MOA is new and provides clarity around the purchase and eligible items available for reimbursement. The MOA also memorializes the current internal policy/practice that allows members to purchase footwear and eyewear. This is already a budgeted item and does not add any additional cost to the city.

Recommendation

The city council is requested to approve the 2021 – 2023 collective bargaining agreement between the City of Minnetonka and International Union of Operating Engineers (IUOE), Local No. 49, AFL-CIO, including the three (3) Memorandum of Agreements. This agreement and related MOA's allow the city to maintain a competitive salary and benefit package, focus on retaining, recruiting and training personnel with high levels of experience and training, as well as preserve consistent benefit offerings across employee groups.

Submitted through:
Geraldyn Barone, City Manager

Originated by:
Mike Funk, Assistant City Manager

LABOR AGREEMENT BETWEEN THE
CITY OF MINNETONKA AND
INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE)
LOCAL NO. 49, AFL-CIO
~~2021~~18 – 20230

Effective December ~~25~~15, 20~~20~~2117 – December ~~21~~24, 20230

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LABOR AGREEMENT BETWEEN
THE CITY OF MINNETONKA AND
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL NO. 49, AFL-CIO

ARTICLE 1I - PURPOSE OF AGREEMENT

This Agreement is entered into between the City of Minnetonka, hereinafter called the Employer, and Local No. 49, International Union of Operating Engineers, AFL-CIO, hereinafter called the Union.

The intent and purpose of this Agreement is to:

- 1.1 Establish certain hours, wages, and other conditions of employment;
- 1.2 Establish procedures for the resolution of disputes concerning this Agreement's interpretation and/or application;
- 1.3 Specify the full and complete understanding of the parties; and
- 1.4 Place in written form the parties' agreement upon terms and conditions of employment for the duration of this Agreement.

The Employer and the Union, through this Agreement, continue their dedication to the highest quality of public service. Both parties recognize this Agreement as a pledge of this dedication.

ARTICLE 2II – RECOGNITION

The Employer recognizes the Union as the exclusive representative for all employees in the job classifications listed below who are public employees within the meaning of Minnesota Statute 179A.03, Subdivision 14, excluding supervisory, confidential, and all other employees.

ARTICLE 3III - DEFINITIONS

- 3.1 Union: The International Union of Operating Engineers, Local No. 49, AFL-CIO.
- 3.2 Employer: The individual municipality designated by this Agreement.
- 3.3 Union Member: A member of the International Union of Operating Engineers, Local No. 49, AFL-CIO.
- 3.4 Employee: A member of the exclusively recognized bargaining unit.
- 3.5 Base Pay Rate: The employee's hourly pay rate exclusive of longevity or any other special allowance.
- 3.6 Seniority: Length of continuous service in any of the job classifications covered by ARTICLE II, RECOGNITION. Employees who are promoted from a job classification covered by this Agreement and return to a job classification covered by this Agreement shall have their seniority calculated on their length of service under this Agreement for purposes of promotion, transfer, and lay off, and total length of service with the Employer for other benefits under this Agreement.
- 3.7 Severance Pay: Payment made to an employee upon honorable termination of employment.
- 3.8 Overtime: Work performed at the express authorization of the Employer in excess of either eight (8) hours within a twenty-four (24) hour period (except for shift changes) or more than forty (40) hours within a seven (7) day period.
- 3.9 Call Back: Return of an employee to a specified work site to perform assigned duties at the express authorization of the Employer at a time other than an assigned shift. An extension of or early report to an assigned shift is not a call back.

ARTICLE ~~4~~V - UNION SECURITY

In recognition of the Union as the exclusive representative, the Employer shall:

- 4.1 Deduct each payroll period an amount sufficient to provide the payment of dues established by the Union from the wages of all employees authorizing in writing such deduction, and
- 4.2 Remit such deduction to the appropriate designated officer of the Union.
- 4.3 The Union may designate certain employees from the bargaining unit to act as stewards and shall inform the Employer in writing of such choice.
- 4.4 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

ARTICLE ~~5~~V - EMPLOYER SECURITY

The Union agrees that during the life of this Agreement it will not cause, encourage, participate in or support any strike, slow down, other interruption of or interference with the normal functions of the Employer.

ARTICLE ~~6~~V - EMPLOYER AUTHORITY

- 6.1. The Employer retains the full and unrestricted right to operate and manage all ~~workforce~~manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this Agreement.

- 6.2. Any term and condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE ~~7~~^{VII} - EMPLOYEE RIGHTS - GRIEVANCE PROCEDURE

- 7.1 Definition of Grievance - A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.
- 7.2 Union Representative - The Employer will recognize representatives designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the names of such Union representatives and of their successors when so designated.
- 7.3 Processing of a Grievance - It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved employee and the Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided the employee and the Union Representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.
- 7.4 Procedure - Grievances, as defined by Section 7.1, shall be resolved in conformance with the following procedure:

Step 1. An employee claiming a violation concerning the interpretation or application of this Agreement shall, within twenty- one (21) calendar days after such alleged violation has occurred, present such grievance to the employee's supervisor as designated by the Employer. The Employer designated representative will discuss and give an answer to such Step 1 grievance within ten (10) calendar days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, and the remedy requested and shall be appealed to Step 2 within ten (10) calendar days after the Employer designated representative's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within ten (10) calendar days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the Union and discussed with the Employer designated Step 2 representative. The Employer designated representative shall give the Union the Employer's Step 2 answer in writing within ten (10) calendar days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) calendar days following the Employer designated representative's final Step 2 answer. Any grievance not appealed in writing to Step 3 by the Union within ten (10) calendar days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the Union and discussed with the Employer designated Step 3 representative.

The Employer designated representative shall give the Union the Employer's answer in writing within ten (10) calendar days after receipt of such Step 3 grievance. A grievance not resolved in Step 3 may be appealed to Step 4 within ten (10) calendar days following the Employer designated representative's final answer in Step 3. Any grievance not appealed in writing to Step 4 by the Union within ten (10) calendar days shall be considered waived.

Step 4. A grievance unresolved in Step 3 and appealed in Step 4 shall be submitted to the Minnesota Bureau of Mediation Services. A grievance not resolved in Step 4 may be appealed to Step 5 within ten (10) calendar days following the Employer's final answer in Step 4. Any grievance not appealed in writing to Step 5 by the Union within ten (10) calendar days shall be considered waived.

Step 5. A grievance unresolved in Step 4 and appealed in Step 5 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board.

7.5 Arbitrator's Authority

- A. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issues submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue not so submitted.

B. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.

C. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Employer and the Union provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be shared equally.

7.6 Waiver - If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the Employer's last answer. If the Employer does not answer a grievance or an appeal thereof within the specified time limits, the Union may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the Employer and the Union.

7.7 Choice of Remedy – If the grievance involves the suspension, demotion, or discharge of an employee who has completed the required probationary period, and

if, as a result of the Employer response in Step 4, the grievance remains unresolved, and , if the grievance may be pursued in another forum such as: Civil Service, Veteran's Preference, Fair Employment, or Data Practices, then the aggrieved employee shall indicate in writing which procedure is to be utilized, Step 5 of ARTICLE VII or another forum, and shall sign a statement to the effect that the choice of any other forum precludes the aggrieved employee from making a subsequent appeal through Step 5 of ARTICLE VII.

ARTICLE ~~8~~VIII - SAVINGS CLAUSE

This Agreement is subject to the laws of the United States, the State of Minnesota, and the City of Minnetonka. In the event any provision of this Agreement shall be held to be contrary to law by a court of competent jurisdiction from whose judgment or decree no appeal has been taken within the time provided, such provision shall be voided. To the extent a provision of the contract is declared to the contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. All other provisions of this Agreement shall continue in full force and effect. The voided provision may be renegotiated at the request of either party.

ARTICLE ~~9~~IX - WORK SCHEDULES

- 9.1 The sole authority for establishing work schedules is the Employer. The normal work day for an employee shall be eight (8) hours. The normal work week shall be forty (40) hours Monday through Friday.
- 9.2 Service to the public may require the establishment of regular shifts for some

employees on a daily, weekly, seasonal, or annual basis other than the normal 7:00 a.m. to 3:30 p.m. day. The Employer will give 48 hours advance notice to the employees affected by the establishment of work days different from the employee's normal eight (8) hour work day.

- 9.3 In the event that work is required because of unusual circumstances such as, but not limited to, fire, flood, snow, sleet, or breakdown of municipal equipment or facilities, no advance notice need be given. It is not required that an employee working other than the normal work day be scheduled to work more than eight (8) hours; however, each employee has an obligation to work overtime or call backs if requested unless unusual circumstances prevent the employee from so working.
- 9.4 Service to the public may require the establishment of regular work weeks that schedule work on Saturdays and/or Sundays.

ARTICLE ~~10~~X - WAGES

- 10.1. During the term of this Agreement, the Employer shall pay to members of the bargaining unit wages in accordance with salary schedule attached as Exhibit A.

ARTICLE ~~11~~XI - OVERTIME PAY

- 11.1 Hours worked in excess of eight (8) hours within a twenty-four (24) hour period, except for shift changes, or more than forty (40) hours within a seven (7) day period, will be compensated for at one and one-half (1 - ½) times the employee's regular base pay rate.
- 11.2 Overtime will be distributed as equally as practicable.
- 11.3 Overtime refused by employees will for record purposes under ARTICLE 11.2 be

considered as unpaid overtime worked.

- 11.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

ARTICLE ~~12XII~~ - COMPENSATORY TIME

Non-exempt employees under the Fair Labor Standards Act shall be eligible for compensatory time in accordance with that act, subject to the following conditions:

- 12.1 Employees shall choose whether they want to have overtime pay or compensatory time by the end of the pay period in which it was earned.
- 12.2 No employee shall carry more than 40 hours accumulated compensatory time past the closest pay period ending date prior to November 15 of each year, except as permitted by the Employer. All accumulated compensatory time over 40 hours will be paid to the employee no later than the first paycheck dated on or after November 15 of each year.
- 12.3 The scheduling of compensatory time shall be at the reasonable discretion of the department director.
- 12.4 Cash payment for accumulated compensatory time may be taken at the employee's option, with approval of the department director.
- 12.5 The Employer or department director may prohibit the use of compensatory time.

ARTICLE ~~13XIII~~ - CALL BACK

An employee called in for work at a time other than the employee's normal scheduled shift will be compensated for a minimum of three (3) hours' pay at one and one-half (1 1/2) times the employee's base pay rate. Any call outs received during the three-hour time block are

considered a continuation of the original call out and will be compensated as such.

ARTICLE ~~14~~XIV - PRESHIFT PREMIUM

- 14.1 Employees who are called to work prior to the starting time of the shift regularly assigned shall be compensated at a preshift premium of \$~~9~~7.00 per hour (~~\$8.00 per hour beginning in 2019~~) for the preshift hours worked.
- 14.2 Preshift premium pay will be paid to employees for hours worked prior to the starting time of the shift regularly assigned while engaged in regularly scheduled ice rink maintenance, street sweeping or flushing. To be eligible for this preshift premium pay an employee must work a full eight (8) hour day. If an employee uses leave they are exempt from premium pay.

ARTICLE ~~15~~XV – HOLIDAYS

Regular full-time employees shall be provided twelve (12) paid holidays as follows:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	The day after Thanksgiving
Christmas Day	December 25
Two (2) Floating Holiday's	Two days shall be known as "floating holidays" and may be taken as holidays at the election of the employee with Employer approval, on any day throughout the fiscal year in which granted, or be lost.

- 15.1 When New Year's Day, January 1; or Independence Day, July 4; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday, and provided, when New Year's Day, January 1; or Independence Day; July 4; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday.
- 15.2 Holidays will be administered in accordance with the posted Public Works Policy.

| **ARTICLE ~~16XVI~~ - VACATION**

- 16.1 a. Regular full-time employees hired prior to January 1, 1998 shall be eligible for earned vacation leave on the following basis:
- From the beginning of continuous employment through the fifth (5th) year of continuous employment, each regular full-time employee shall earn vacation at the rate of five-sixths (5/6) of a day per month or ten (10) working days per year. From the sixth (6th) year and on through the fifteenth (15th) year of continuous employment, each employee shall earn vacation at the rate of one and one-fourth (1-1/4) days per month or fifteen (15) working days per year. From the sixteenth (16th) year and on through the twentieth (20th) year, each employee shall earn vacation at the rate of twenty (20) working days per year. From the twenty-first (21st) year on, each employee shall earn twenty-five (25) days.
- b. Regular full-time employees hired after January 1, 1998 shall be eligible for earned vacation leave on the following basis:
- From the beginning of continuous employment through the fifth (5th) year of continuous employment, each regular full-time employee shall earn vacation

at the rate of five-sixths (5/6) of a day per month or ten (10) working days per year. From the sixth (6th) year through the tenth (10th) year of continuous employment, each employee shall earn vacation at the rate of one and one-fourth (1- 1/4) days per month or fifteen (15) working days per year.

During each of the following years of continuous employment, each employee shall earn vacation at the rates as specified:

- 11th year: one and one-third (1 1/3) days per month or sixteen (16) working days per year.
- 12th year: one and four-tenths (1 4/10) days per month or seventeen (17) working days per year.
- 13th year: one and one-half (1 1/2) days per month or eighteen (18) working days per year.
- 14th year: one and six-tenths (1 6/10) days per month or nineteen (19) working days per year.
- From the fifteenth (15th) year of continuous service and on, each employee shall earn one and two-thirds (1 2/3) days per month or twenty (20) working days per year.

16.2 Accrual. Employees may accrue vacation leave not to exceed the following based on the employee's rate of vacation earned.

Rate of vacation earned	Maximum hours of accrued vacation leave
80 hours per year	200 hours
120 hours per year	225 hours
128-160 hours per year	250 hours
200 hours per year	275 hours

16.3 Vacation leave may be taken after approval by the Department Director.

16.4 Any employee leaving the municipal service in good standing after giving proper

notice of such termination of employment shall be compensated for vacation leave accrued and unused to the date of separation. Proper notice shall mean, "Written notice of at least fourteen (14) days prior to date of termination."

16.5- Waiving Vacation Prohibited. As vacation leave is granted to employees for a period of recreation, no employee shall be permitted to waive such leave for the purpose of receiving double pay.

ARTICLE ~~17XVII~~ - SEVERANCE PAY

17.1 To be eligible for severance pay, employees must be regular employees on the date of termination, and have a total of 10 years of continuous service as a regular employee. Severance pay is granted to eligible employees when they leave the municipal service in good standing for one of the following reasons:

- A. Elimination of their classification or position by the city.
- B. Separation from city employment when the employee is eligible, based on age and/or service requirements, for an annuity from the Public Employees Retirement Association whether or not the employee starts receiving those benefits.
- C. Mandatory retirement or termination of employment due to health reasons, service-connected injury, illness or death. A letter from a physician is required to indicate an employee's inability to perform essential functions of the job.

17.2 Employees are entitled to severance pay equal to the greater of:

- A. Four weeks of appropriate pay plus one additional week of appropriate pay for each year of service beyond 10 years, not to exceed a total of 13 weeks appropriate pay at their basic rate of pay,

or

- B. One-third of the employee's accumulated sick leave at the appropriate pay rate.

17.3 Employees eligible for severance pay in accordance with Section 17.1 who submit a written notice of separation from City employment at least three months prior to that separation and who do not revoke it will receive the amount of severance pay pursuant to the policy plus an additional ten percent of that amount.

ARTICLE ~~18XVIII~~ - UNIFORMS

In accordance with policies developed at the sole discretion of the Employer, the Employer will provide uniforms for Union members.

ARTICLE ~~19XIX~~ - LEGAL DEFENSE

- 19.1 Employees involved in litigation because of negligence, ignorance of laws, nonobservance of laws, or as a result of employee judgmental decision may not receive legal defense by the municipality.
- 19.2 Any employee who is charged with a traffic violation, ordinance violation or criminal offense arising from acts performed within the scope of the employee's employment, when such act is performed in good faith and under direct order of the employee's supervisor, shall be reimbursed for reasonable attorney's fees and court costs actually incurred by such employee in defending against such charge.

ARTICLE ~~20XX~~ - RIGHT OF SUBCONTRACT

Nothing in this Agreement shall prohibit or restrict the right of the Employer from

subcontracting work performed by employees covered by this Agreement.

ARTICLE ~~21XXI~~ - DISCIPLINE

- 21.1 The Employer will discipline employees only for just cause.
- 21.2 An employee(s) will not be required to participate in an investigatory interview by the Employer where the information gained from the interview could lead to the discipline of the employee(s) unless the employees is given the opportunity to have a third party present at the interview to act as witness for the employee(s).

ARTICLE ~~22XXII~~ - SENIORITY

- 22.1 Seniority will be the determining criterion for transfers, promotions and layoffs only when all job relevant qualification factors are equal.
- 22.2 Seniority will be the determining criterion for recall when the job relevant qualification factors are equal. Recall rights under this provision will continue for twenty-four (24) months after lay off. Recalled employees shall have ten (10) working days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

ARTICLE ~~23XXIII~~ - PROBATIONARY PERIOD

- 23.1 All newly hired or rehired employees will serve a twelve (12) month probationary period.
- 23.2 All employees will serve a twelve (12) month probationary period in any job classification in which the employee has not served a probationary period.
- 23.3 At any time during the probationary period a newly hired or rehired employee may

be terminated at the sole discretion of the Employer.

- 23.4 At any time during the probationary period a promoted or reassigned employee may be demoted or reassigned to the employee's previous position at the sole discretion of the Employer.

ARTICLE ~~24XXIV~~ - SAFETY

The Employer and the Union agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage employees to work in a safe manner.

ARTICLE ~~25XXV~~ - JOB POSTING

- 25.1 The Employer and the Union agree that regular job vacancies within the designated bargaining unit shall be filled based on the concept of promotion from within provided that applicants:

- A. Have the necessary qualifications to meet the standards of the job vacancy; and
- B. Have the ability to perform the duties and responsibilities of the job vacancy.

- 25.2 Employees filling a higher job class based on the provisions of this ARTICLE shall be subject to the conditions of ARTICLE ~~23XXIII~~ (PROBATIONARY PERIOD).

- 25.3 The Employer has the right of final decision in the selection of employees to fill posted jobs based on qualifications, abilities, and experience.

- 25.4 Job vacancies within the designated bargaining unit will be posted for five

(5) working days so that members of the bargaining unit can be considered for such

vacancies.

ARTICLE ~~26XXVI~~ - INSURANCE

- 26.1 ~~In plan year 2021, f~~For each benefit-earning employee electing health insurance coverage through the employer-sponsored cafeteria benefits program, the employer's monthly contribution toward that employee's benefits program is \$~~1,060,970~~ for those electing Single Coverage; \$~~1,275,400~~ for Employee plus Spouse; \$~~1,400,205~~ for Employee plus Child(ren) Coverage; or \$~~1,490,250~~ for Family Coverage. ~~in plan year 2018.~~
- 26.2 ~~In plan year 2021, e~~Each benefit-earning employee electing health insurance coverage through the employer-sponsored cafeteria benefits program and who participates in the employer-sponsored health initiative program receives \$100 per month. Each benefit-earning employee who opts out of the Employer sponsored cafeteria benefits program who participates in the employer-sponsored health initiative program receives \$50 per month. ~~in plan year 2018.~~
- ~~26.3~~ Insurance ~~and the health initiative program, articles 26.1 and 26.2, are~~ is open for negotiations in ~~2022, 2023,~~ and 2023.
- ~~26.43~~ The Employer agrees to pay the full cost of a \$35,000 life insurance policy for each regular full-time employee.
- ~~26.54~~ The Employer will provide employees with Long Term Disability insurance provided that a sufficient number of employees enroll to meet the insurer's eligibility requirements. The cost of the insurance will be paid through deductions in each employee's accrued sick leave account of hours of time sufficient to provide for the payment of premiums.
- ~~26.65~~ In the event the health insurance provisions of this Agreement fail to meet the

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requirements of the Affordable Care Act and its related regulations or cause the Employer to be subject to a penalty, tax or fine, the Union and the Employer will meet immediately to bargain over alternative provisions.

ARTICLE ~~27XXVII~~ - RETIREE HEALTH SAVINGS PLAN

Employees who qualify to receive severance pay upon retiring from the City, as defined by the Personnel Policy, must place 100% of their severance pay and unused vacation pay in their individual Retiree Health Savings Plan accounts at the time of retirement.

ARTICLE ~~28XXVIII~~ - WAIVER

- 28.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with provisions of this Agreement, are hereby superseded.
- 28.2 The parties mutually acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this Agreement for the stipulated duration of this Agreement. The Employer and the Union each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this Agreement or with respect to any term or condition of employment not specifically referred to or covered by this Agreement, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this contract was negotiated or

executed.

ARTICLE ~~29XXIX~~ - DURATION

This Agreement shall be effective as of December ~~2515~~, ~~20201917~~ and shall remain in full force and effect through December ~~2124~~, ~~20230~~.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this _____ day of _____, _____.

International Union of Operating Engineers, Local No. 49, AFL-CIO:

_____ Business Agent
_____ Business Manager
_____ Union Steward
_____ Union Steward
_____ Union Steward
_____ Union Steward

City of Minnetonka:

_____ ~~Brad Wiersum~~~~Terry Schneider~~, Mayor
_____ GERALYN BARONE, City Manager
_____ ~~Michael Funk~~, Assistant City Manager

APPENDIX A
IUOE, LOCAL 49 Wages

The following positions will be in effect from the last payroll period for 202014 through the last payroll period in 202317.

Position	Description
Public Employee Support Worker (PESW)	Automotive Support Worker
Public Service Worker I (PSW I)	Building Maintenance Custodian Utility Locator
Public Service Worker II (PSW II)	Lead Building Maintenance Custodian Park Maintenance Worker Street Maintenance Worker Water & Sewer Maintenance Worker Building Maintenance Technician Automotive Service Worker
Public Service Worker III (PSW III)	Senior Building Maintenance Technician
Public Service Worker IV (PSW IV)	Automotive Mechanic Welder/Fabricator
Public Service Worker V (PSW V)	Senior Water & Sewer Maintenance Worker
Out of Class Positions	Acting Foreman Field Training Worker Crew Leader Building Foreman

2. The following wage schedule will be in effect from the first payroll period for 202118 through the last payroll period in 20230. For

each year of the contract, wages will increase based on the higher amount of either the base pay adjustment on the top step or the annual market rate adjustment.

The annual market rate adjustment shall be calculated by first determining the median of the top step of the wage range of the following comparable cities (excluding Minnetonka): Brooklyn Park, Burnsville, Eagan, Eden Prairie, Edina, Lakeville, Maple Grove, Plymouth, St. Louis Park, and Woodbury. Once the median of the top step of the wage range is determined, it will be multiplied by 2%. [For 2020, the median range calculation is based on the 2019 top step wage range for the comparable cities] This same process shall be used for 2021 and 2022.

Skills based pay is excluded from these calculations.

- a. For 2021:
 - i. 6.93% market adjustment
- b. For 2022:
 - i. 2% base pay adjustment
 - or
 - ii. Market adjustment (TBD)
- c. For 2023:
 - i. 2% base pay adjustment
 - or
 - ii. Market adjustment (TBD)

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POSITION	STEP/DATE	2018	2019	2020
	ELIGIBLE			
PESW	Automotive Service Worker	\$18.02	\$18.29	\$18.56
-	-	-	-	-
PSW-I	Step 1—Start	19.65	19.94	20.24
	Step 2—6 months	20.78	21.09	21.41
	Step 3—18 months	21.95	22.28	22.61
	Step 4—30 months	23.10	23.45	23.80
	Qualified Utility Only	24.36	24.73	25.10
	SBP hourly differential	1.20	1.20	1.20
-	-	-	-	-
PSW-II	Step 1—Start	24.36	24.73	25.10
	Step 2—6 months	25.79	26.18	26.57
	Step 3—18 months	27.26	27.67	28.09
	Step 4—30 months	28.69	29.12	29.56
	SBP hourly differential	1.20	1.20	1.20
-	-	-	-	-
PSW-III	Step 1—Start	29.39	29.83	30.28
	Step 2—6 months	29.88	30.33	30.78
	SBP hourly differential	1.20	1.20	1.20
-	-	-	-	-
PSW-IV	Step 1—Start	26.12	26.51	26.91
	Step 2—6 months	27.64	28.05	28.47
	Step 3—18 months	29.21	29.65	30.09

Step 4 – 30 months	30.72	31.18	31.65
<i>Qualified Mechanic/Welder Only</i>	31.40	31.87	32.35
SBP hourly differential	1.20	1.20	1.20

PSW-V	Step 1 – Start	30.67	31.13	31.60
	Step 2 – 6 months	31.43	31.90	32.38
	Step 3 – conditional	32.07	32.55	33.04
	SBP hourly differential	1.00	1.00	1.00

For 2019, the top 2018 pay rates (excluding Skills Based Pay) for Minnetonka Public Service Workers will be multiplied by the negotiated base pay increase. Using 2018 League of Minnesota Cities salary data for the cities listed below, the average weighted mean of these cities will be multiplied by the negotiated base pay increase for 2019. These two rates will be compared, and the higher of the two will be the 2019 top pay rates for Minnetonka.

This same process will be repeated using 2019 data to determine if there is a 2020 market adjustment.

Minnesota cities included in the comparison are Brooklyn Park, Burnsville, Eagan, Eden Prairie, Edina, Lakeville, Maple Grove, Plymouth, St. Louis Park and Woodbury.

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<u>STEP/DATE</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	
	<u>Base</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
	<u>Market</u>	<u>6.93%</u>	<u>TBD</u>	<u>TBD</u>
	<u>Higher</u>			
<u>ELIGIBLE</u>	<u>Amount</u>	<u>6.93%</u>	<u>2.00%</u>	<u>2.00%</u>
Automotive Service Worker	\$19.85	\$20.24	\$20.65	
Step 1 - Start	\$21.64	\$22.08	\$22.52	
Step 2 - 6 months	\$22.89	\$23.35	\$23.82	
Step 3 - 18 months	\$24.18	\$24.66	\$25.15	
Step 4 - 30 months	\$25.45	\$25.96	\$26.48	
<i>Qualified Utility Only</i>	\$26.84	\$27.38	\$27.92	
SBP hourly differential	\$1.20	\$1.20	\$1.20	
Step 1 - Start	\$26.84	\$27.38	\$27.92	
Step 2 - 6 months	\$28.41	\$28.98	\$29.56	
Step 3 - 18 months	\$30.04	\$30.64	\$31.25	
Step 4 - 30 months	\$31.61	\$32.24	\$32.89	
SBP hourly differential	\$1.20	\$1.20	\$1.20	
Step 1 - Start	\$32.38	\$33.03	\$33.69	
Step 2 - 6 months	\$32.91	\$33.57	\$34.24	

<u>SBP hourly differential</u>	<u>\$1.20</u>	<u>\$1.20</u>	<u>\$1.20</u>
<u>Step 1 - Start</u>	<u>\$28.77</u>	<u>\$29.35</u>	<u>\$29.94</u>
<u>Step 2 - 6 months</u>	<u>\$30.44</u>	<u>\$31.05</u>	<u>\$31.67</u>
<u>Step 3 - 18 months</u>	<u>\$32.18</u>	<u>\$32.82</u>	<u>\$33.48</u>
<u>Step 4 - 30 months</u>	<u>\$33.84</u>	<u>\$34.52</u>	<u>\$35.21</u>
<u>Qualified Mechanic/Welder Only</u>	<u>\$34.59</u>	<u>\$35.28</u>	<u>\$35.99</u>
<u>SBP hourly differential</u>	<u>\$1.20</u>	<u>\$1.20</u>	<u>\$1.20</u>
<u>Step 1 - Start</u>	<u>\$33.79</u>	<u>\$34.47</u>	<u>\$35.15</u>
<u>Step 2 - 6 months</u>	<u>\$34.62</u>	<u>\$35.32</u>	<u>\$36.02</u>
<u>Step 3 - conditional</u>	<u>\$35.33</u>	<u>\$36.04</u>	<u>\$36.76</u>
<u>SBP hourly differential</u>	<u>\$1.00</u>	<u>\$1.00</u>	<u>\$1.00</u>

3. The minimum requirements for each of the steps in the wage schedule are as follows:

Progression from the starting salary through the top step of each classification based on actual months of service, demonstrated skill levels, and satisfactory performance.

4. Additional requirements:

- A. Water and Sewer Maintenance Worker (PSW II):

Employees must possess a Class D Operator's License.

- B. Senior Building Maintenance Technician (PSW III):

1. To be placed in Step 1 of the PSW III position, employees in this classification must possess a minimum of a Special Class Engineer Boiler's License; have completed 200 hours of authorized technical training; and have 30 months of Public Service Worker experience with the City of Minnetonka.
2. To be placed in Step 2 of the PSW III position, employees in this

classification must possess a minimum of a 2nd Class Boiler's License; have completed 400 hours of authorized technical training; and have 30 months of experience at PSW 111, Step 1, with the City of Minnetonka.

C. Senior Water and Sewer Maintenance Worker (PSW V):

1. To be placed in Step 1 of the PSW V position, employees must possess Class C Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have 30 months of water and sewer system and facility operator experience, at least 12 months of which must be with the City of Minnetonka.
2. To be placed in Step 2 of the PSW V position, employees must possess Class B Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have six years of water and sewer system and facility operator experience, at least 24 months of which are with the City of Minnetonka.
3. To be placed in Step 3 of the PSW V position, employees must possess Class A Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have six years of water and sewer system and facility operator experience, at least 36 months of which are with the City of Minnetonka.

5. All employees who have completed Skills Based Pay (SBP) program requirements are eligible to receive the SBP hourly differential as outlined for each classification in the wage schedule of Appendix A. Employees receiving SBP must be recertified on a biannual basis in order to continue receiving said pay.

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6. Employees classified in the Public Service Worker I position required by the Employer to operate a skid steer loader will be paid the Public Service Worker II pay rate, same step as their PSW I rate, for those hours assigned to the unit.
7. Employees classified in the Public Service Worker I position required by the Employer to perform duties requiring a State Boiler's Operator License will be paid the Public Service Worker II pay rate, same step as their PSW I rate, for those hours assigned said duties.
8. To be placed in the Qualified Utility Only step of the Public Service Worker I position, utility locators must possess a Class D water and sewer operator's license and have 18 months experience as a utility locator with the City of Minnetonka. This is the top step of the qualified utility locator classification.
9. Employees classified in the Public Service Worker I, II, III or IV position who are assigned to perform Public Service Worker IV - Welder and Mechanic duties will be paid Public Service Worker IV - Mechanic and Welder, Step 4 pay and, if eligible as a Public Service Worker I, II, III, or IV, associated skills-based pay for those hours assigned to that duty.
10. For each seven-day period while serving in the "standby" status, the Lead Building Maintenance Custodian will be compensated by receiving a total of three hours of overtime pay for that one-week period.
11. Employees classified as Public Service Worker I, II, or III who are assigned by the Employer as an Acting Foreman shall be compensated at ~~\$1.800-90~~/hour above the

Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as an Acting Foreman shall be compensated at ~~\$1.800-90~~/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that position. Employees classified as Public Service Worker V who are assigned by the Employer as an Acting Foreman shall be compensated at ~~\$1.800-90~~/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position. Assignments as Acting Foreman are at the sole discretion of the Employer.

12. Employees classified as Public Service Worker I, II, or III who are assigned by the Employer as a Crew Leader shall be compensated at \$0.~~960~~/hour above the Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as a Crew Leader shall be compensated at \$0.~~960~~/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that position. Employees classified as Public Service Worker V who are assigned by the Employer as a Crew Leader shall be compensated at \$0.~~960~~/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position. Assignments as Crew Leader are at the sole discretion of the Employer.
13. Employees classified as Public Service Worker I, II, or III who are assigned by the Employer as Field Training Worker shall be compensated at \$0.~~960~~/hour above the Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as Field Training Worker shall be compensated at \$0.~~960~~/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that

position. Employees classified as Public Service Worker V who are assigned by the Employer as Field Training Worker shall be compensated at \$0.960/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position. Assignments as Field Training Worker are at the sole discretion of the Employer.

14. Employees employed by the Employer on a seasonal/temporary basis for no more than 180 calendar days per calendar year either in a full-time or part-time capacity (more than 14 hours per week) will be compensated as determined by the Employer for the term of this employment.
 1. Employees who meet the requirements to be classified as "Public Employee Support Workers" under the Public Employment Labor Relations Act (PELRA) are not eligible for the following articles: Compensatory Time (Article XII), Holidays (Article XV), Vacation (Article XVI), Severance (Article XVII) or Uniforms (Article XVIII). Public Employees will only be eligible for Insurance (Article XXVI) if they meet the eligibility threshold under the Affordable Care Act as required by law.
 2. Employees who meet the requirements to be classified as "Public Employee Support Workers" under the Public Employment Labor Relations Act (PELRA) are eligible for the following articles: Union Security (Article IV), Employee Rights – Grievance Procedure (Article VII), Wages (Article X), Overtime Pay (Article XI), Legal Defense (Article XIX), Discipline (Article XXI), Safety (Article XXIV), Duration (Article XXIX) and Flexible Work Weeks according to any current MOU.
15. Employees who have earned a 20-credit Public Works Certificate from [an](#)

~~American Public Works Association accredited program~~North Hennepin Community College while employed with the city shall receive a one-time payment of \$750. ~~In addition, t~~The city shall cover 90% of the cost of the ~~Public Works Certificate from North Hennepin Community College~~ program in accordance with its tuition reimbursement program.

16. Employees with one year of service shall receive performance pay as follows:
 - a. Organizational MERIT pay - The focus of the organizational MERIT pay is achievement of organization-wide goals as established by the city council. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the grade achieved by the organization as follows: for a grade of 4.0, each employee will be awarded \$100; for a grade of less than 4.0, the award will be pro-rated based on the actual percentage achieved (e.g., 3.8 grade is 95% of 4.0, so 95% of \$100 = \$95, 3.5 grade is 87.5% of 4.0, so 87.5% of \$100 = \$87.50, etc.). Seasonal, temporary, on-call (STOC) and flex part time employees are not eligible for organizational MERIT pay.
 - b. Departmental MERIT pay -The focus of the departmental MERIT pay is achievement of department-wide goals and performance indicators as established and evaluated annually by a representative group of employer, union and other public works department employees. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the percentage of goals/indicators achieved by the department as follows: 100% achievement will be awarded 1.5% (one and one-half percent) of base pay; achievement less than 100% shall be pro-rated based on the

actual percentage achieved (e.g., 97% achievement = 97% of 1.5% base pay; 92% achievement = 92% of 1.5% base pay, etc.). Seasonal, temporary, on-call (STOC) and flex part time employees are not eligible for departmental MERIT pay.

c. Compensation for organizational and departmental MERIT pay will be paid in lump sums at the same time it is awarded to non-organized personnel.

17. For serving in the “standby” status the Building Maintenance Technician, assigned as the Acting Foreman, will be compensated by receiving one hour of overtime pay per weekday, 2 hours for Saturday and 2 hours for Sunday. For each holiday while serving in the “standby” status, the assigned employee will be compensated by receiving three hours of overtime pay.
18. To be placed in the Qualified Mechanic/Welder only step of the Public Service Worker IV position, Automotive Mechanic employees must possess a valid DOT inspection certificate and have 30 months experience as an automotive mechanic/welder/fabricator with the City of Minnetonka. This is the top step of the qualified automotive mechanic/welder/fabricator classification.
19. To be placed in the Qualified Mechanic/Welder only step of the Public Service Worker IV position, Welder/Fabricator employees must have 30 months experience as an automotive mechanic/welder/fabricator with the City of Minnetonka and possess a valid: American Welding Society (AWS) certification in gas metal and welding (GMAW); or American Welding Society (AWS) certification in gas tungsten arc welding (GTAW); or successfully completed the Hennepin Technical College

curriculum or other accredited program approved by the city in Structural Iron Fabrication and Repair. This is the top step of the qualified automotive mechanic/welder/fabricator classification.

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49

The Union and the City agree on the following during the 20~~2017~~ – 202~~30~~ contract.

SKILLS BASED PAY

By ~~December 31~~~~May 31, 2021~~~~18~~, labor and management will develop new Skills Based Pay certification and recertification requirements for the (+) recertification of core skills. By December 31, 2023, labor and management will complete Red Cross certified CRP training. ~~and (2) emergency management training.~~

UTILITIES DIVISION - SECOND SHIFT

The parties agree to the following conditions as it relates to the second shift of the City of Minnetonka's Public Works Department, Utilities Division.

The second shift of the Utilities Division is hereby established for the above mentioned interim period as follows:

1. The City retains the right to establish schedules.
2. From the end of the scheduled second shift until the scheduled start time the following morning, Monday through Thursday, the employee who worked the second shift will serve in a "standby" status. An employee on "standby" is required to have with them at all times the City-provided mobile devices and must be able to respond to the City as soon as possible but within 45 minutes.
3. From the end of the second shift on Friday through the scheduled start time the following Monday morning, the assigned second shift employee shall serve in a "standby" status as defined above in paragraph 2.
4. For each week day and weekend day while serving in the "standby" status, the assigned employee will be compensated by receiving a total of ten hours of overtime pay (a total of five hours for the period of Monday through Friday, 2.5 hours for Saturday, and 2.5 hours for Sunday). For each holiday while serving in the "standby" status, the assigned employee will be compensated by receiving three hours pay at one and one-half times the employee's base rate.
5. For each telephone call and/or computer alarm in excess of two per shift and a maximum of two per hour (when no response to the City is needed), the assigned employee will be compensated by receiving 30 minutes pay at one and one-half times the employee's base pay rate.
6. For the purposes of paragraphs 4. and 5. of this Memorandum of Agreement, Article 12.1 of the labor agreement between the City and I.U.O.E. Local 49 does not apply.

7. The weekend and holiday shift is a two-hour morning shift. The employee must begin work on these days before 8 a.m. and work for two hours. The employee is responsible for calling the Police Department to inform police personnel of his or her arrival. Employees will be compensated for working these hours at the overtime pay rate or compensatory time.
8. Should employees wish to switch assigned second shift or weekend duties, they may do so subject to supervisory approval at least 24 hours in advance of the switch. If an employee wishes to switch duty for either a Friday, Saturday or Sunday (or a holiday which falls on a Friday or Monday), the involved employees must switch for the entire weekend time period starting on Friday at noon through Monday (or Tuesday if a holiday) morning.

This language shall be effective as of December ~~25~~¹⁵, 20~~17~~²⁰ and shall remain in full force and effect until December ~~21~~²⁴, 20~~30~~³⁹, or until a successor Agreement is reached, whichever is later.

For IUOE Local No. 49

For the City of Minnetonka

Dated: _____

Dated: _____

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49

The Union and the City agree on the following during the 2021~~17~~ – 2023~~0~~ contract.

Payroll – Working Past Midnight

1. The parties agree to the following conditions as it relates to the payroll calculations when an employee works past midnight for the City of Minnetonka's Public Works Department.

When an employee that has worked a scheduled 8-hour shift is called back or works an extended day that goes past midnight and into the following day, the city will pay overtime (or if preferred compensatory time) for the extended hours even though their time extends past midnight and into the next work day.

Upon completion of the extended shift (second day), the employee and supervisor will decide the employee's schedule for the second day before leaving public works. The following options are possible for the second day's employee work schedule:

- A. The employee will work their normal scheduled shift. Hours worked after midnight on the extended shift will be recorded as overtime.
 - B. The employee will report to work on or after the scheduled start time and work a partial shift utilizing all or a portion of the overtime hours converted to regular hours that were worked the previous day in order to log a regular 8-hour work day. If a balance of regular hours remain, the balance will be converted to overtime hours and paid as overtime for the first day.
 - C. The employee will not report to work and use overtime hours and/or vacation or compensatory time to log an 8-hour regular work day. If a balance of hours remain, the balance will be converted to overtime hours and paid as overtime for the first day.
2. In the event the provisions of this Memorandum fail to meet the requirements of or are held to be contrary to law by a court of competent jurisdiction from whose judgment or decree no appeal has been taken within the time provided, this provision shall be voided. To the extent this provision is declared to the contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. The Union and the Employer will meet immediately to bargain over the voided provision.

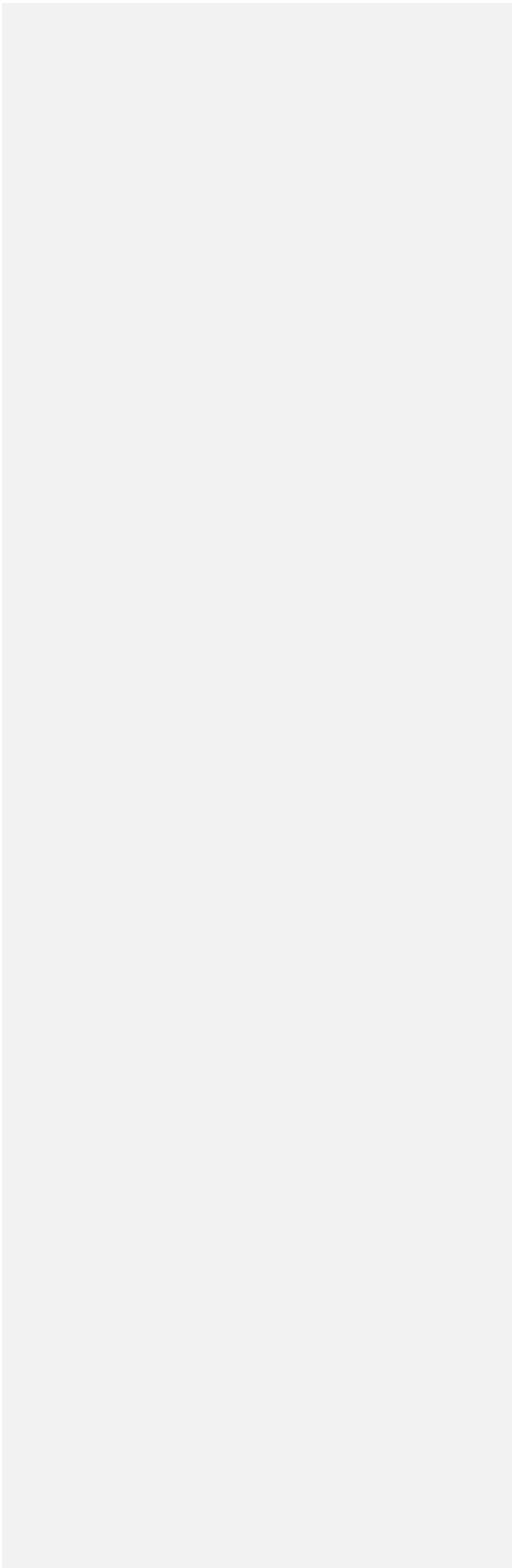
This language shall be effective as of December ~~2515~~, 202017 and shall remain in full force and effect until December ~~2124~~, 20230, or until a successor Agreement is reached, whichever is later.

For IUOE Local No. 49

For the City of Minnetonka

Dated: _____

Dated: _____



MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49

The Union and the City agree on the following during the 2021 – 2023 contract.

Footwear, Eyewear and Winter Clothing

1. Members shall be reimbursed up to \$600 for the life of the contract to purchase any of the following items:
 - Steel-toed safety boots
 - Prescription safety glasses
 - Insulated steel-toed safety boots
 - Insulated bib overalls

This language shall be effective as of December 25, 2020 and shall remain in full force and effect until December 21, 2023, or until a successor Agreement is reached, whichever is later.

For IUOE Local No. 49

For the City of Minnetonka

Dated: _____

Dated: _____

**LABOR AGREEMENT BETWEEN THE
CITY OF MINNETONKA AND
INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE)
LOCAL NO. 49, AFL-CIO
2021 – 2023**



Effective December 25, 2020 – December 21, 2023

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LABOR AGREEMENT BETWEEN
THE CITY OF MINNETONKA AND
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL NO. 49, AFL-CIO

ARTICLE 1 - PURPOSE OF AGREEMENT

This Agreement is entered into between the City of Minnetonka, hereinafter called the Employer, and Local No. 49, International Union of Operating Engineers, AFL-CIO, hereinafter called the Union.

The intent and purpose of this Agreement is to:

- 1.1 Establish certain hours, wages, and other conditions of employment;
- 1.2 Establish procedures for the resolution of disputes concerning this Agreement's interpretation and/or application;
- 1.3 Specify the full and complete understanding of the parties; and
- 1.4 Place in written form the parties' agreement upon terms and conditions of employment for the duration of this Agreement.

The Employer and the Union, through this Agreement, continue their dedication to the highest quality of public service. Both parties recognize this Agreement as a pledge of this dedication.

ARTICLE 2 – RECOGNITION

The Employer recognizes the Union as the exclusive representative for all employees in the job classifications listed below who are public employees within the meaning of Minnesota Statute 179A.03, Subdivision 14, excluding supervisory, confidential, and all other employees.

ARTICLE 3 - DEFINITIONS

- 3.1 Union: The International Union of Operating Engineers, Local No. 49, AFL-CIO.
- 3.2 Employer: The individual municipality designated by this Agreement.
- 3.3 Union Member: A member of the International Union of Operating Engineers, Local No. 49, AFL-CIO.
- 3.4 Employee: A member of the exclusively recognized bargaining unit.
- 3.5 Base Pay Rate: The employee's hourly pay rate exclusive of longevity or any other special allowance.
- 3.6 Seniority: Length of continuous service in any of the job classifications covered by ARTICLE II, RECOGNITION. Employees who are promoted from a job classification covered by this Agreement and return to a job classification covered by this Agreement shall have their seniority calculated on their length of service under this Agreement for purposes of promotion, transfer, and lay off, and total length of service with the Employer for other benefits under this Agreement.
- 3.7 Severance Pay: Payment made to an employee upon honorable termination of employment.
- 3.8 Overtime: Work performed at the express authorization of the Employer in excess of either eight (8) hours within a twenty-four (24) hour period (except for shift changes) or more than forty (40) hours within a seven (7) day period.
- 3.9. Call Back: Return of an employee to a specified work site to perform assigned duties at the express authorization of the Employer at a time other than an assigned shift. An extension of or early report to an assigned shift is not a call back.

ARTICLE 4 - UNION SECURITY

In recognition of the Union as the exclusive representative, the Employer shall:

- 4.1 Deduct each payroll period an amount sufficient to provide the payment of dues established by the Union from the wages of all employees authorizing in writing such deduction, and
- 4.2 Remit such deduction to the appropriate designated officer of the Union.
- 4.3 The Union may designate certain employees from the bargaining unit to act as stewards and shall inform the Employer in writing of such choice.
- 4.4 The Union agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

ARTICLE 5 - EMPLOYER SECURITY

The Union agrees that during the life of this Agreement it will not cause, encourage, participate in or support any strike, slow down, other interruption of or interference with the normal functions of the Employer.

ARTICLE 6 - EMPLOYER AUTHORITY

- 6.1. The Employer retains the full and unrestricted right to operate and manage all workforce, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial

function not specifically limited by this Agreement.

- 6.2. Any term and condition of employment not specifically established or modified by this Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate.

ARTICLE 7 - EMPLOYEE RIGHTS - GRIEVANCE PROCEDURE

- 7.1 Definition of Grievance - A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this Agreement.
- 7.2 Union Representative - The Employer will recognize representatives designated by the Union as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The Union shall notify the Employer in writing of the names of such Union representatives and of their successors when so designated.
- 7.3 Processing of a Grievance - It is recognized and accepted by the Union and the Employer that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the employees and shall therefore be accomplished during normal working hours only when consistent with such Employee duties and responsibilities. The aggrieved employee and the Union Representative shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the Employer during normal working hours provided the employee and the Union Representative have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the Employer.

7.4 Procedure - Grievances, as defined by Section 7.1, shall be resolved in conformance with the following procedure:

Step 1. An employee claiming a violation concerning the interpretation or application of this Agreement shall, within twenty- one (21) calendar days after such alleged violation has occurred, present such grievance to the employee's supervisor as designated by the Employer. The Employer designated representative will discuss and give an answer to such Step 1 grievance within ten (10) calendar days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the Agreement allegedly violated, and the remedy requested and shall be appealed to Step 2 within ten (10) calendar days after the Employer designated representative's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the Union within ten (10) calendar days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the Union and discussed with the Employer designated Step 2 representative. The Employer designated representative shall give the Union the Employer's Step 2 answer in writing within ten (10) calendar days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) calendar days following the Employer designated representative's final Step 2 answer. Any grievance not appealed in writing to Step 3 by the Union within ten (10) calendar days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the Union and discussed with the Employer designated Step 3 representative. The Employer designated representative shall give the Union the Employer's answer in writing within ten (10) calendar days after receipt of such Step 3 grievance. A grievance not resolved in Step 3 may be appealed to Step 4 within ten (10) calendar days following the Employer designated representative's final answer in Step 3. Any grievance not appealed in writing to Step 4 by the Union within ten (10) calendar days shall be considered waived.

Step 4. A grievance unresolved in Step 3 and appealed in Step 4 shall be submitted to the Minnesota Bureau of Mediation Services. A grievance not resolved in Step 4 may be appealed to Step 5 within ten (10) calendar days following the Employer's final answer in Step 4. Any grievance not appealed in writing to Step 5 by the Union within ten (10) calendar days shall be considered waived.

Step 5. A grievance unresolved in Step 4 and appealed in Step 5 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971, as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Public Employment Relations Board.

7.5 Arbitrator's Authority

- A. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this Agreement. The arbitrator shall consider and decide only the specific issues submitted in writing by the Employer and the Union, and shall have no authority to make a decision on any other issue not so submitted.
- B. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules, or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following the close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the Employer and the Union and shall be based solely on the arbitrator's interpretation or application of the express terms of this Agreement and to the facts of the grievance presented.
- C. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the Employer and the Union provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings, the cost shall be shared equally.

7.6 Waiver - If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the Employer's last answer. If the Employer does not answer a

grievance or an appeal thereof within the specified time limits, the Union may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the Employer and the Union.

7.7 Choice of Remedy – If the grievance involves the suspension, demotion, or discharge of an employee who has completed the required probationary period, and if, as a result of the Employer response in Step 4, the grievance remains unresolved, and , if the grievance may be pursued in another forum such as: Civil Service, Veteran's Preference, Fair Employment, or Data Practices, then the aggrieved employee shall indicate in writing which procedure is to be utilized, Step 5 of ARTICLE VII or another forum, and shall sign a statement to the effect that the choice of any other forum precludes the aggrieved employee from making a subsequent appeal through Step 5 of ARTICLE VII.

ARTICLE 8 - SAVINGS CLAUSE

This Agreement is subject to the laws of the United States, the State of Minnesota, and the City of Minnetonka. In the event any provision of this Agreement shall be held to be contrary to law by a court of competent jurisdiction from whose judgment or decree no appeal has been taken within the time provided, such provision shall be voided. To the extent a provision of the contract is declared to the contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. All other provisions of this Agreement shall continue in full force and effect. The voided provision may be renegotiated at the request of either party.

ARTICLE 9 - WORK SCHEDULES

- 9.1 The sole authority for establishing work schedules is the Employer. The normal work day for an employee shall be eight (8) hours. The normal work week shall be forty (40) hours Monday through Friday.
- 9.2 Service to the public may require the establishment of regular shifts for some employees on a daily, weekly, seasonal, or annual basis other than the normal 7:00 a.m. to 3:30 p.m. day. The Employer will give 48 hours advance notice to the employees affected by the establishment of work days different from the employee's normal eight (8) hour work day.
- 9.3 In the event that work is required because of unusual circumstances such as, but not limited to, fire, flood, snow, sleet, or breakdown of municipal equipment or facilities, no advance notice need be given. It is not required that an employee working other than the normal work day be scheduled to work more than eight (8) hours; however, each employee has an obligation to work overtime or call backs if requested unless unusual circumstances prevent the employee from so working.
- 9.4 Service to the public may require the establishment of regular work weeks that schedule work on Saturdays and/or Sundays.

ARTICLE 10 - WAGES

- 10.1. During the term of this Agreement, the Employer shall pay to members of the bargaining unit wages in accordance with salary schedule attached as Exhibit A.

ARTICLE 11 - OVERTIME PAY

- 11.1 Hours worked in excess of eight (8) hours within a twenty-four (24) hour period, except for shift changes, or more than forty (40) hours within a seven (7) day period, will be compensated for at one and one-half (1 - ½) times the employee's regular base pay rate.
- 11.2 Overtime will be distributed as equally as practicable.
- 11.3 Overtime refused by employees will for record purposes under ARTICLE 11.2 be considered as unpaid overtime worked.
- 11.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

ARTICLE 12 - COMPENSATORY TIME

Non-exempt employees under the Fair Labor Standards Act shall be eligible for compensatory time in accordance with that act, subject to the following conditions:

- 12.1 Employees shall choose whether they want to have overtime pay or compensatory time by the end of the pay period in which it was earned.
- 12.2 No employee shall carry more than 40 hours accumulated compensatory time past the closest pay period ending date prior to November 15 of each year, except as permitted by the Employer. All accumulated compensatory time over 40 hours will be paid to the employee no later than the first paycheck dated on or after November 15 of each year.
- 12.3 The scheduling of compensatory time shall be at the reasonable discretion of the department director.
- 12.4 Cash payment for accumulated compensatory time may be taken at the employee's

option, with approval of the department director.

12.5 The Employer or department director may prohibit the use of compensatory time.

ARTICLE 13 - CALL BACK

An employee called in for work at a time other than the employee's normal scheduled shift will be compensated for a minimum of three (3) hours' pay at one and one-half (1 1/2) times the employee's base pay rate. Any call outs received during the three-hour time block are considered a continuation of the original call out and will be compensated as such.

ARTICLE 14 - PRESHIFT PREMIUM

14.1 Employees who are called to work prior to the starting time of the shift regularly assigned shall be compensated at a preshift premium of \$9.00 per hour for the preshift hours worked.

14.2 Preshift premium pay will be paid to employees for hours worked prior to the starting time of the shift regularly assigned while engaged in regularly scheduled ice rink maintenance, street sweeping or flushing. To be eligible for this preshift premium pay an employee must work a full eight (8) hour day. If an employee uses leave they are exempt from premium pay.

ARTICLE 15 – HOLIDAYS

Regular full-time employees shall be provided twelve (12) paid holidays as follows:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May

Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	The day after Thanksgiving
Christmas Day	December 25
Two (2) Floating Holiday's	Two days shall be known as "floating holidays" and may be taken as holidays at the election of the employee with Employer approval, on any day throughout the fiscal year in which granted, or be lost.

- 15.1 When New Year's Day, January 1; or Independence Day, July 4; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday, and provided, when New Year's Day, January 1; or Independence Day; July 4; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday.
- 15.2 Holidays will be administered in accordance with the posted Public Works Policy.

ARTICLE 16 - VACATION

- 16.1 a. Regular full-time employees hired prior to January 1, 1998 shall be eligible for earned vacation leave on the following basis:
- From the beginning of continuous employment through the fifth (5th) year of continuous employment, each regular full- time employee shall earn vacation at the rate of five-sixths (5/6) of a day per month or ten (10) working days per year. From the sixth (6th) year and on through the fifteenth (15th) year of continuous employment, each employee shall earn vacation at the rate of one and one-fourth (1-1/4)

days per month or fifteen (15) working days per year. From the sixteenth (16th) year and on through the twentieth (20th) year, each employee shall earn vacation at the rate of twenty (20) working days per year. From the twenty-first (21st) year on, each employee shall earn twenty-five (25) days.

- b. Regular full-time employees hired after January 1, 1998 shall be eligible for earned vacation leave on the following basis:

From the beginning of continuous employment through the fifth (5th) year of continuous employment, each regular full-time employee shall earn vacation at the rate of five-sixths ($5/6$) of a day per month or ten (10) working days per year. From the sixth (6th) year through the tenth (10th) year of continuous employment, each employee shall earn vacation at the rate of one and one-fourth ($1-1/4$) days per month or fifteen (15) working days per year.

During each of the following years of continuous employment, each employee shall earn vacation at the rates as specified:

- 11th year: one and one-third ($1\ 1/3$) days per month or sixteen (16) working days per year.
- 12th year: one and four-tenths ($1\ 4/10$) days per month or seventeen (17) working days per year.
- 13th year: one and one-half ($1\ 1/2$) days per month or eighteen (18) working days per year.
- 14th year: one and six-tenths ($1\ 6/10$) days per month or nineteen (19) working days per year.
- From the fifteenth (15th) year of continuous service and on, each employee shall earn one and two-thirds ($1\ 2/3$) days per month or twenty

(20) working days per year.

- 16.2 Accrual. Employees may accrue vacation leave not to exceed the following based on the employee's rate of vacation earned.

Rate of vacation earned	Maximum hours of accrued vacation leave
80 hours per year	200 hours
120 hours per year	225 hours
128-160 hours per year	250 hours
200 hours per year	275 hours

- 16.3 Vacation leave may be taken after approval by the Department Director.
- 16.4 Any employee leaving the municipal service in good standing after giving proper notice of such termination of employment shall be compensated for vacation leave accrued and unused to the date of separation. Proper notice shall mean, "Written notice of at least fourteen (14) days prior to date of termination."
- 16.5 Waiving Vacation Prohibited. As vacation leave is granted to employees for a period of recreation, no employee shall be permitted to waive such leave for the purpose of receiving double pay.

ARTICLE 17 - SEVERANCE PAY

- 17.1 To be eligible for severance pay, employees must be regular employees on the date of termination, and have a total of 10 years of continuous service as a regular employee. Severance pay is granted to eligible employees when they leave the municipal service in good standing for one of the following reasons:
- A. Elimination of their classification or position by the city.
 - B. Separation from city employment when the employee is eligible, based on age and/or service requirements, for an annuity from the

Public Employees Retirement Association whether or not the employee starts receiving those benefits.

- C. Mandatory retirement or termination of employment due to health reasons, service-connected injury, illness or death. A letter from a physician is required to indicate an employee's inability to perform essential functions of the job.

17.2 Employees are entitled to severance pay equal to the greater of:

- A. Four weeks of appropriate pay plus one additional week of appropriate pay for each year of service beyond 10 years, not to exceed a total of 13 weeks appropriate pay at their basic rate of pay, or
- B. One-third of the employee's accumulated sick leave at the appropriate pay rate.

17.3 Employees eligible for severance pay in accordance with Section 17.1 who submit a written notice of separation from City employment at least three months prior to that separation and who do not revoke it will receive the amount of severance pay pursuant to the policy plus an additional ten percent of that amount.

ARTICLE 18 - UNIFORMS

In accordance with policies developed at the sole discretion of the Employer, the Employer will provide uniforms for Union members.

ARTICLE 19 - LEGAL DEFENSE

19.1 Employees involved in litigation because of negligence, ignorance of laws,

nonobservance of laws, or as a result of employee judgmental decision may not receive legal defense by the municipality.

- 19.2 Any employee who is charged with a traffic violation, ordinance violation or criminal offense arising from acts performed within the scope of the employee's employment, when such act is performed in good faith and under direct order of the employee's supervisor, shall be reimbursed for reasonable attorney's fees and court costs actually incurred by such employee in defending against such charge.

ARTICLE 20 - RIGHT OF SUBCONTRACT

Nothing in this Agreement shall prohibit or restrict the right of the Employer from subcontracting work performed by employees covered by this Agreement.

ARTICLE 21 - DISCIPLINE

- 21.1 The Employer will discipline employees only for just cause.
- 21.2 An employee(s) will not be required to participate in an investigatory interview by the Employer where the information gained from the interview could lead to the discipline of the employee(s) unless the employees is given the opportunity to have a third party present at the interview to act as witness for the employee(s).

ARTICLE 22 - SENIORITY

- 22.1 Seniority will be the determining criterion for transfers, promotions and layoffs only when all job relevant qualification factors are equal.
- 22.2 Seniority will be the determining criterion for recall when the job relevant

qualification factors are equal. Recall rights under this provision will continue for twenty-four (24) months after lay off. Recalled employees shall have ten (10) working days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

ARTICLE 23 - PROBATIONARY PERIOD

- 23.1 All newly hired or rehired employees will serve a twelve (12) month probationary period.
- 23.2 All employees will serve a twelve (12) month probationary period in any job classification in which the employee has not served a probationary period.
- 23.3 At any time during the probationary period a newly hired or rehired employee may be terminated at the sole discretion of the Employer.
- 23.4 At any time during the probationary period a promoted or reassigned employee may be demoted or reassigned to the employee's previous position at the sole discretion of the Employer.

ARTICLE 24 - SAFETY

The Employer and the Union agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage employees to work in a safe manner.

ARTICLE 25 - JOB POSTING

- 25.1 The Employer and the Union agree that regular job vacancies within the designated bargaining unit shall be filled based on the concept of promotion from within

provided that applicants:

- A. Have the necessary qualifications to meet the standards of the job vacancy; and
- B. Have the ability to perform the duties and responsibilities of the job vacancy.

- 25.2 Employees filling a higher job class based on the provisions of this ARTICLE shall be subject to the conditions of ARTICLE 23 (PROBATIONARY PERIOD).
- 25.3 The Employer has the right of final decision in the selection of employees to fill posted jobs based on qualifications, abilities, and experience.
- 25.4 Job vacancies within the designated bargaining unit will be posted for five (5) working days so that members of the bargaining unit can be considered for such vacancies.

ARTICLE 26 - INSURANCE

- 26.1 In plan year 2021, for each benefit-earning employee electing health insurance coverage through the employer-sponsored cafeteria benefits program, the employer's monthly contribution toward that employee's benefits program is \$1,060 for those electing Single Coverage; \$1,275 for Employee plus Spouse; \$1,400 for Employee plus Child(ren) Coverage; or \$1,490 for Family Coverage.
- 26.2 In plan year 2021, each benefit-earning employee electing health insurance coverage through the employer-sponsored cafeteria benefits program and who participates in the employer-sponsored health initiative program receives \$100 per month. Each benefit-earning employee who opts out of the Employer sponsored cafeteria benefits program who participates in the employer-sponsored health

initiative program receives \$50 per month.

- 26.3 Insurance and the health initiative program, articles 26.1 and 26.2, are open for negotiations in 2022 and 2023.
- 26.4 The Employer agrees to pay the full cost of a \$35,000 life insurance policy for each regular full-time employee.
- 26.5 The Employer will provide employees with Long Term Disability insurance provided that a sufficient number of employees enroll to meet the insurer's eligibility requirements. The cost of the insurance will be paid through deductions in each employee's accrued sick leave account of hours of time sufficient to provide for the payment of premiums.
- 26.6 In the event the health insurance provisions of this Agreement fail to meet the requirements of the Affordable Care Act and its related regulations or cause the Employer to be subject to a penalty, tax or fine, the Union and the Employer will meet immediately to bargain over alternative provisions.

ARTICLE 27 - RETIREE HEALTH SAVINGS PLAN

Employees who qualify to receive severance pay upon retiring from the City, as defined by the Personnel Policy, must place 100% of their severance pay and unused vacation pay in their individual Retiree Health Savings Plan accounts at the time of retirement.

ARTICLE 28 - WAIVER

- 28.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with provisions of this Agreement, are hereby superseded.

28.2 The parties mutually acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this Agreement for the stipulated duration of this Agreement. The Employer and the Union each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this Agreement or with respect to any term or condition of employment not specifically referred to or covered by this Agreement, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this contract was negotiated or executed.

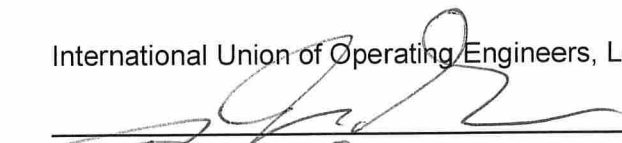
ARTICLE 29 - DURATION

This Agreement shall be effective as of December 25, 2020 and shall remain in full force and effect through December 21, 2023.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this

_____ day of _____, _____.


International Union of Operating Engineers, Local No. 49, AFL-CIO:



Jason George, Business Manager



Ron Boesel, Business Agent



Brett Lilenthal, Union Steward

Rick Kuehn

Rick Kuehn, Union Steward

Michael Miller

Michael Miller, Union Steward

Bradley Hoese

Bradley, Hoese, Union Steward

City of Minnetonka:

Brad Wiersum, Mayor

Geralyn Barone, City Manager

Michael Funk, Assistant City Manager

APPENDIX A
IUOE, LOCAL 49 Wages

The following positions will be in effect from the last payroll period for 2020 through the last payroll period in 2023.

Position	Description
Public Employee Support Worker (PESW)	Automotive Support Worker
Public Service Worker I (PSW I)	Building Maintenance Custodian Utility Locator
Public Service Worker II (PSW II)	Lead Building Maintenance Custodian Park Maintenance Worker Street Maintenance Worker Water & Sewer Maintenance Worker Building Maintenance Technician Automotive Service Worker
Public Service Worker III (PSW III)	Senior Building Maintenance Technician
Public Service Worker IV (PSW IV)	Automotive Mechanic Welder/Fabricator
Public Service Worker V (PSW V)	Senior Water & Sewer Maintenance Worker
Out of Class Positions	Acting Foreman Field Training Worker Crew Leader Building Foreman

1. The following wage schedule will be in effect from the first payroll period for 2021 through the last payroll period in 2023. For each year of the contract, wages will increase based on the higher amount of either the base pay adjustment on the top step or the annual market rate adjustment.

The annual market rate adjustment shall be calculated by first determining the median of the top step of the wage range of the following comparable cities (excluding Minnetonka): Brooklyn Park,

Burnsville, Eagan, Eden Prairie, Edina, Lakeville, Maple Grove, Plymouth, St. Louis Park, and Woodbury. Once the median of the top step of the wage range is determined, it will be multiplied by 2%. [For 2021, the median range calculation is based on the 2020 top step wage range for the comparable cities] This same process shall be used for 2022 and 2023.

For all calculations, the reported League of Minnesota Cities (LMC) Salary data shall be used if a city has reported. If a city has not reported data by September 1 of each year, the city of Minnetonka will contact the city directly to obtain the data.

Skills based pay is excluded from these calculations.

- a. For 2021:
6.93% market adjustment
- b. For 2022:
2% base pay adjustment
or
Market adjustment (TBD)
- c. For 2023:
2% base pay adjustment
or
Market adjustment (TBD)

STEP/DATE		2021	2022	2023	
		Base or Market	2% TBD	2% TBD	
ELIGIBLE		Higher Amount	6.93%	TBD	TBD
PESW	Automotive Service Worker	\$19.85	\$20.24	\$20.65	
PSW 1	Step 1 - Start	\$21.64	\$22.08	\$22.52	
	Step 2 - 6 months	\$22.89	\$23.35	\$23.82	
	Step 3 - 18 months	\$24.18	\$24.66	\$25.15	
	Step 4 - 30 months	\$25.45	\$25.96	\$26.48	
	<i>Qualified Utility Only</i>	\$26.84	\$27.38	\$27.92	
	SBP hourly differential	\$1.20	\$1.20	\$1.20	
PSW II	Step 1 - Start	\$26.84	\$27.38	\$27.92	
	Step 2 - 6 months	\$28.41	\$28.98	\$29.56	
	Step 3 - 18 months	\$30.04	\$30.64	\$31.25	
	Step 4 - 30 months	\$31.61	\$32.24	\$32.89	
	SBP hourly differential	\$1.20	\$1.20	\$1.20	

PSW III	Step 1 - Start	\$32.38	\$33.03	\$33.69
	Step 2 - 6 months	\$32.91	\$33.57	\$34.24
	SBP hourly differential	\$1.20	\$1.20	\$1.20
PSW IV	Step 1 - Start	\$28.77	\$29.35	\$29.94
	Step 2 - 6 months	\$30.44	\$31.05	\$31.67
	Step 3 - 18 months	\$32.18	\$32.82	\$33.48
	Step 4 - 30 months	\$33.84	\$34.52	\$35.21
	<i>Qualified Mechanic/Welder Only</i>	\$34.59	\$35.28	\$35.99
	SBP hourly differential	\$1.20	\$1.20	\$1.20
PSW V	Step 1 - Start	\$33.79	\$34.47	\$35.15
	Step 2 - 6 months	\$34.62	\$35.32	\$36.02
	Step 3 - conditional	\$35.33	\$36.04	\$36.76
	SBP hourly differential	\$1.00	\$1.00	\$1.00

2. The minimum requirements for each of the steps in the wage schedule are as follows: Progression from the starting salary through the top step of each classification based on actual months of service, demonstrated skill levels, and satisfactory performance.

3. Additional requirements:

A. Water and Sewer Maintenance Worker (PSW II):

Employees must possess a Class D Operator's License.

B. Senior Building Maintenance Technician (PSW III):

1. To be placed in Step 1 of the PSW III position, employees in this classification must possess a minimum of a Special Class Engineer Boiler's License; have completed 200 hours of authorized technical training; and have 30 months of Public Service Worker experience with the City of Minnetonka.

2. To be placed in Step 2 of the PSW III position, employees in this classification must possess a minimum of a 2nd Class Boiler's License; have completed 400 hours of authorized technical training; and have 30 months of experience at PSW III, Step 1, with the City of Minnetonka.
- C. Senior Water and Sewer Maintenance Worker (PSW V):
1. To be placed in Step 1 of the PSW V position, employees must possess Class C Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have 30 months of water and sewer system and facility operator experience, at least 12 months of which must be with the City of Minnetonka.
 2. To be placed in Step 2 of the PSW V position, employees must possess Class B Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have six years of water and sewer system and facility operator experience, at least 24 months of which are with the City of Minnetonka.
 3. To be placed in Step 3 of the PSW V position, employees must possess Class A Water Supply System Operator and Wastewater Treatment Facility Operator Licenses and have six years of water and sewer system and facility operator experience, at least 36 months of which are with the City of Minnetonka.
4. All employees who have completed Skills Based Pay (SBP) program requirements are eligible to receive the SBP hourly differential as outlined for each classification in the wage schedule of Appendix A. Employees receiving SBP must be recertified on

a biannual basis in order to continue receiving said pay.

5. Employees classified in the Public Service Worker I position required by the Employer to operate a skid steer loader will be paid the Public Service Worker II pay rate, same step as their PSW I rate, for those hours assigned to the unit.
6. Employees classified in the Public Service Worker I position required by the Employer to perform duties requiring a State Boiler's Operator License will be paid the Public Service Worker II pay rate, same step as their PSW I rate, for those hours assigned said duties.
7. To be placed in the Qualified Utility Only step of the Public Service Worker I position, utility locators must possess a Class D water and sewer operator's license and have 18 months experience as a utility locator with the City of Minnetonka. This is the top step of the qualified utility locator classification.
8. Employees classified in the Public Service Worker I, II, III or IV position who are assigned to perform Public Service Worker IV - Welder and Mechanic duties will be paid Public Service Worker IV - Mechanic and Welder, Step 4 pay and, if eligible as a Public Service Worker I, II, III, or IV, associated skills-based pay for those hours assigned to that duty.
9. For each seven-day period while serving in the "standby" status, the Lead Building Maintenance Custodian will be compensated by receiving a total of three hours of overtime pay for that one-week period.

10. Employees classified as Public Service Worker I, II, or III who are assigned by the Employer as an Acting Foreman shall be compensated at \$1.80/hour above the Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as an Acting Foreman shall be compensated at \$1.80/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that position. Employees classified as Public Service Worker V who are assigned by the Employer as an Acting Foreman shall be compensated at \$1.80/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position. Assignments as Acting Foreman are at the sole discretion of the Employer.

11. Employees classified as Public Service Worker I, II, or III who are assigned by the Employer as a Crew Leader shall be compensated at \$0.90/hour above the Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as a Crew Leader shall be compensated at \$0.90/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that position. Employees classified as Public Service Worker V who are assigned by the Employer as a Crew Leader shall be compensated at \$0.90/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position.

Assignments as Crew Leader are at the sole discretion of the Employer.

12. Employees classified as Public Service Worker I, II, or III who are assigned by the

Employer as Field Training Worker shall be compensated at \$0.90/hour above the Public Service Worker III, Step 2 wage for all the time they are assigned to that position. Employees classified as Public Service Worker IV who are assigned by the Employer as Field Training Worker shall be compensated at \$0.90/hour above the Public Service Worker IV, Step 4 wage for all the time they are assigned to that position. Employees classified as Public Service Worker V who are assigned by the Employer as Field Training Worker shall be compensated at \$0.90/hour above the Public Service Worker V, Step 3 wage for all the time they are assigned to that position. Assignments as Field Training Worker are at the sole discretion of the Employer.

13. Employees employed by the Employer on a seasonal/temporary basis for no more than 180 calendar days per calendar year either in a full-time or part-time capacity (more than 14 hours per week) will be compensated as determined by the Employer for the term of this employment.
 1. Employees who meet the requirements to be classified as “Public Employee Support Workers” under the Public Employment Labor Relations Act (PELRA) are not eligible for the following articles: Compensatory Time (Article XII), Holidays (Article XV), Vacation (Article XVI), Severance (Article XVII) or Uniforms (Article XVIII). Public Employees will only be eligible for Insurance (Article XXVI) if they meet the eligibility threshold under the Affordable Care Act as required by law.
 2. Employees who meet the requirements to be classified as “Public Employee Support Workers” under the Public Employment Labor Relations Act (PELRA) are eligible for the following articles: Union Security (Article IV),

Employee Rights – Grievance Procedure (Article VII), Wages (Article X), Overtime Pay (Article XI), Legal Defense (Article XIX), Discipline (Article XXI), Safety (Article XXIV), Duration (Article XXIX) and Flexible Work Weeks according to any current MOU.

14. Employees who have earned a 20-credit Public Works Certificate from an American Public Works Association accredited program while employed with the city shall receive a one-time payment of \$750. In addition, the city shall cover 90% of the cost of the program in accordance with its tuition reimbursement program.

15. Employees with one year of service shall receive performance pay as follows:
 - a. Organizational MERIT pay - The focus of the organizational MERIT pay is achievement of organization-wide goals as established by the city council. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the grade achieved by the organization as follows: for a grade of 4.0, each employee will be awarded \$100; for a grade of less than 4.0, the award will be pro-rated based on the actual percentage achieved (e.g., 3.8 grade is 95% of 4.0, so 95% of \$100 = \$95, 3.5 grade is 87.5% of 4.0, so 87.5% of \$100 = \$87.50, etc.). Seasonal, temporary, on-call (STOC) and flex part time employees are not eligible for organizational MERIT pay.

 - b. Departmental MERIT pay -The focus of the departmental MERIT pay is achievement of department-wide goals and performance indicators as established and evaluated annually by a representative group of employer,

union and other public works department employees. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the percentage of goals/indicators achieved by the department as follows: 100% achievement will be awarded 1.5% (one and one-half percent) of base pay; achievement less than 100% shall be pro-rated based on the actual percentage achieved (e.g., 97% achievement = 97% of 1.5% base pay; 92% achievement = 92% of 1.5% base pay, etc.). Seasonal, temporary, on-call (STOC) and flex part time employees are not eligible for departmental MERIT pay.

- c. Compensation for organizational and departmental MERIT pay will be paid in lump sums at the same time it is awarded to non-organized personnel.
-
- 16. For serving in the “standby” status the Building Maintenance Technician, assigned as the Acting Foreman, will be compensated by receiving one hour of overtime pay per weekday, 2 hours for Saturday and 2 hours for Sunday. For each holiday while serving in the “standby” status, the assigned employee will be compensated by receiving three hours of overtime pay.
 - 17. To be placed in the Qualified Mechanic/Welder only step of the Public Service Worker IV position, Automotive Mechanic employees must possess a valid DOT inspection certificate and have 30 months experience as an automotive mechanic/welder/fabricator with the City of Minnetonka. This is the top step of the qualified automotive mechanic/welder/fabricator classification.

18. To be placed in the Qualified Mechanic/Welder only step of the Public Service Worker IV position, Welder/Fabricator employees must have 30 months experience as an automotive mechanic/welder/fabricator with the City of Minnetonka and possess a valid: American Welding Society (AWS) certification in gas metal and welding (GMAW); or American Welding Society (AWS) certification in gas tungsten arc welding (GTAW); or successfully completed the Hennepin Technical College curriculum or other accredited program approved by the city in Structural Iron Fabrication and Repair. This is the top step of the qualified automotive mechanic/welder/fabricator classification.

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49

The Union and the City agree on the following during the 2020 – 2023 contract.

SKILLS BASED PAY

By December 31, 2021, labor and management will develop new Skills Based Pay certification and recertification requirements for the recertification of core skills. By December 31, 2023, labor and management will complete Red Cross certified CRP training.

UTILITIES DIVISION - SECOND SHIFT

The parties agree to the following conditions as it relates to the second shift of the City of Minnetonka's Public Works Department, Utilities Division.

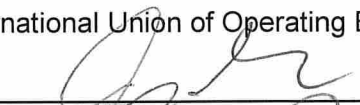


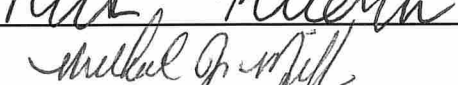
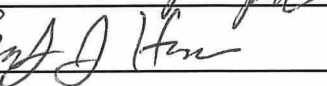
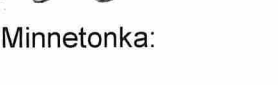
The second shift of the Utilities Division is hereby established for the above mentioned interim period as follows:

1. The City retains the right to establish schedules.
2. From the end of the scheduled second shift until the scheduled start time the following morning, Monday through Thursday, the employee who worked the second shift will serve in a "standby" status. An employee on "standby" is required to have with them at all times the City-provided mobile devices and must be able to respond to the City as soon as possible but within 45 minutes.
3. From the end of the second shift on Friday through the scheduled start time the following Monday morning, the assigned second shift employee shall serve in a "standby" status as defined above in paragraph 2.
4. For each week day and weekend day while serving in the "standby" status, the assigned employee will be compensated by receiving a total of ten hours of overtime pay (a total of five hours for the period of Monday through Friday, 2.5 hours for Saturday, and 2.5 hours for Sunday). For each holiday while serving in the "standby" status, the assigned employee will be compensated by receiving three hours pay at one and one-half times the employee's base rate.
5. For each telephone call and/or computer alarm in excess of two per shift and a maximum of two per hour (when no response to the City is needed), the assigned employee will be compensated by receiving 30 minutes pay at one and one-half times the employee's base pay rate.
6. For the purposes of paragraphs 4. and 5. of this Memorandum of Agreement, Article 12.1 of the labor agreement between the City and I.U.O.E. Local 49 does not apply.

7. The weekend and holiday shift is a two-hour morning shift. The employee must begin work on these days before 8 a.m. and work for two hours. The employee is responsible for calling the Police Department to inform police personnel of his or her arrival. Employees will be compensated for working these hours at the overtime pay rate or compensatory time.
8. Should employees wish to switch assigned second shift or weekend duties, they may do so subject to supervisory approval at least 24 hours in advance of the switch. If an employee wishes to switch duty for either a Friday, Saturday or Sunday (or a holiday which falls on a Friday or Monday), the involved employees must switch for the entire weekend time period starting on Friday at noon through Monday (or Tuesday if a holiday) morning.

This language shall be effective as of December 25, 2020 and shall remain in full force and effect until December 21, 2023, or until a successor Agreement is reached, whichever is later.

International Union of Operating Engineers, Local No. 49, AFL-CIO:

 _____	Jason George, Business Manager
 _____	Ron Boesel, Business Agent
 _____	Brett Lilenthal, Union Steward
 _____	Rick Kuehn, Union Steward
 _____	Michael Miller, Union Steward
 _____	Bradley, Hoese, Union Steward

City of Minnetonka:

_____	Brad Wiersum, Mayor
_____	Geralyn Barone, City Manager
_____	Michael Funk, Assistant City Manager

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49

The Union and the City agree on the following during the 2021 – 2023 contract.

Payroll – Working Past Midnight

1. The parties agree to the following conditions as it relates to the payroll calculations when an employee works past midnight for the City of Minnetonka's Public Works Department.

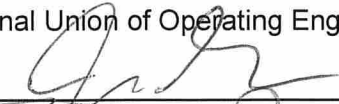



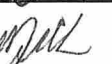

When an employee that has worked a scheduled 8-hour shift is called back or works an extended day that goes past midnight and into the following day, the city will pay overtime (or if preferred compensatory time) for the extended hours even though their time extends past midnight and into the next work day.

Upon completion of the extended shift (second day), the employee and supervisor will decide the employee's schedule for the second day before leaving public works. The following options are possible for the second day's employee work schedule:

- A. The employee will work their normal scheduled shift. Hours worked after midnight on the extended shift will be recorded as overtime.
 - B. The employee will report to work on or after the scheduled start time and work a partial shift utilizing all or a portion of the overtime hours converted to regular hours that were worked the previous day in order to log a regular 8-hour work day. If a balance of regular hours remain, the balance will be converted to overtime hours and paid as overtime for the first day.
 - C. The employee will not report to work and use overtime hours and/or vacation or compensatory time to log an 8-hour regular work day. If a balance of hours remain, the balance will be converted to overtime hours and paid as overtime for the first day.
2. In the event the provisions of this Memorandum fail to meet the requirements of or are held to be contrary to law by a court of competent jurisdiction from whose judgment or decree no appeal has been taken within the time provided, this provision shall be voided. To the extent this provision is declared to the contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. The Union and the Employer will meet immediately to bargain over the voided provision.

This language shall be effective as of December 25, 2020 and shall remain in full force and effect until December 21, 2023, or until a successor Agreement is reached, whichever is later.

International Union of Operating Engineers, Local No. 49, AFL-CIO:

 _____	Jason George, Business Manager
 _____	Ron Boesel, Business Agent
 _____	Brett Lilenthal, Union Steward
 _____	Rick Kuehn, Union Steward
 _____	Michael Miller, Union Steward
 _____	Bradley, Hoese, Union Steward

City of Minnetonka:

_____	Brad Wiersum, Mayor
_____	Geralyn Barone, City Manager
_____	Michael Funk, Assistant City Manager

MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY OF MINNETONKA AND
THE INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 49




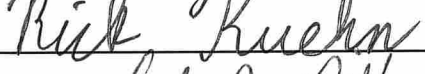
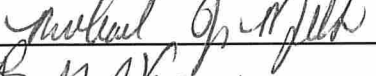

The Union and the City agree on the following during the 2021 – 2023 contract.

Footwear, Eyewear and Winter Clothing

1. Members shall be reimbursed up to \$600 for the life of the contract to purchase any of the following items:
 - Steel-toed safety boots
 - Prescription safety glasses
 - Insulated steel-toed safety boots
 - Insulated bib overalls

This language shall be effective as of December 25, 2020 and shall remain in full force and effect until December 21, 2023, or until a successor Agreement is reached, whichever is later.

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 _____	Bradley, Hoese, Union Steward

City of Minnetonka:

_____	Brad Wiersum, Mayor
_____	Geralyn Barone, City Manager
_____	Michael Funk, Assistant City Manager

APPROVED MAR 22 2021
APPROVED MAR 22 2021

**City Council Agenda Item #11A
Meeting of April 12, 2021**

Brief Description Resolution approving a conditional use permit with variances, for a restaurant expansion and outdoor seating area, at 14725 Excelsior Boulevard

Recommendation Adopt the resolution approving the request

Introduction

DelSur L.L.C. (DelSur) was originally formed in 2014. Since that time, the business has expanded from selling empanadas online to operating DelSur Empanadas Food Truck (a mobile food vendor). In 2018, DelSur began operating their commissary kitchen in the former Glen Lake Café space at the Glen Lake Shopping Center, later receiving a conditional use permit to operate a restaurant.

Proposal Summary

The following is intended to summarize the applicant's proposal.

- **Existing Site Conditions**

The subject property is located in the southwest corner of the Excelsior Boulevard/Eden Prairie Road intersection. The site is improved with a roughly 31,200 square foot neighborhood commercial center – originally constructed in 1958 – and a surrounding parking lot.

- **Proposed Use**

The existing DelSur tenant space is roughly 2,125 sq. ft. in size. The proposed expansion into a portion of the adjacent former Sir Knight Cleaners space is 1,500 sq. ft., comprised of a 600 sq. ft. event room and a 900 sq. ft. prep kitchen. An outdoor seating area is proposed immediately adjacent to the building.

Planning Commission Hearing

The planning commission considered the request on March 18, 2021. The commission report, plans, and minutes are attached. Staff recommended approval noting:

- The expanded restaurant area would fill portions of a vacant tenant space. The outdoor seating area is buffered by the building from the residential area to the south.
- Parking can be accommodated with the restriping of the parking lot.

At the commission meeting, a public hearing was opened to take comment. One area resident appeared and generally expressed support of the proposed restaurant and asked a few questions about noise and deliveries.

Planning Commission Recommendation

On a 5-0 vote, the commission recommended that the city council approve the conditional use permit, with variances. The meeting minutes are attached. There have been no changes to the proposal or additional information received since the planning commission's meeting on this item.

Staff Recommendation

Staff recommends the city council adopt the resolution approving a conditional use permit with variances, for a restaurant expansion and outdoor seating area at 14725 Excelsior Boulevard.

Through: GERALYN BARONE, City Manager
 JULIE WISCHNACK, AICP, Community Development Director

Originator: LOREN GORDON, AICP, City Planner

MINNETONKA PLANNING COMMISSION
March 18, 2021

Brief Description	Resolution approving a conditional use permit with variances, for a restaurant expansion and outdoor seating area at 14725 Excelsior Boulevard
Recommendation	Recommend the city council adopt the resolution approving the request

Background

DelSur L.L.C. (DelSur) was originally formed in 2014. Since that time, the business has expanded from selling empanadas online to include the DelSur Empanadas Food Truck (a mobile food vendor). In 2018, DelSur began operating their commissary kitchen in the former Glen Lake Café space at the Glen Lake Shopping Center, later receiving a conditional use permit to operate a restaurant.

Proposal Summary

The following is intended to summarize the applicant's proposal. Additional information associated with the proposal can be found in the "Supporting Information" section of this report.

- **Existing Site Conditions.**

The subject property is located in the southwest corner of the Excelsior Boulevard/Eden Prairie Road intersection. The site is improved with a roughly 31,200 square foot neighborhood commercial center – originally constructed in 1958 – and a surrounding parking lot.

- **Proposed Use.**

The existing DelSur tenant space is roughly 2,125 sq. ft. in size. The proposed expansion into a portion of the adjacent former Sir Knight Cleaners space is 1,500 sq. ft., comprised of a 600 sq. ft. event room and a 900 sq. ft. prep kitchen. An outdoor seating area is proposed immediately adjacent to the building.

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 associated with the DelSur proposal and staff's findings.

- **Is the proposed restaurant use appropriate?**

Yes. The restaurant would be located within a tenant space previously used for food-related users. Since the shopping center's construction in 1958, a number of food-related uses, including a coffee shop, pastry shop, and most recently a restaurant with an on-sale liquor license, have occupied the tenant space. The expanded area would fill

portions of a vacant tenant space. The outdoor seating area is buffered by the building from the residential area to the south.

- **Can the anticipated parking demands be accommodated?**

Yes. The neighborhood commercial center currently contains 126 parking spaces. As proposed, the parking lot would be restriped to accommodate 137 parking spaces. The parking study reviewed the proposed expansion concluding there would be enough parking supply – a surplus of 7 spaces based on the existing 126 spaces. This would suggest that the parking demand of the restaurant could be accommodated within the existing parking lot.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a restaurant with an on-sale liquor at 14725 Excelsior Boulevard.

Originator: Loren Gordon, AICP, City Planner

Supporting Information

Project No. 91043.21a

Property 14725 Excelsior Blvd

Applicant DeISur

Surrounding Land Uses
 Northerly: Excelsior Boulevard, daycare under construction
 Easterly: Eden Prairie Road, commercial buildings beyond
 Southerly: single-family home
 Westerly: neighborhood commercial center

Planning
 Guide Plan designation: Commercial
 Existing Zoning: B-2, limited business

City Actions
 The proposal requires the following applications:

- Conditional Use Permit. By City Code §300.18, Subd. 4(i), restaurants having an on-sale intoxicating liquor license and outdoor seating areas are conditionally permitted uses within the B-2 zoning district.
- Variances. The neighborhood commercial center would not contain the total number of parking stalls as required by ordinance. As such, a parking variance is required. The restaurant expansion and outdoor seating area are within the setbacks to a residential area.

Outdoor Seating
 The submitted plans include six outdoor tables for approximately 24 seats located on the adjacent sidewalk adjacent to the expanded restaurant space. An enclosed fenced area would separate the seating area from the sidewalk and parking lot with access from the new restaurant space.

Parking
 Currently, there are 126 parking spaces onsite. By city code, the existing tenants and uses would require 242 parking stalls. As such, a parking variance is required.

The parking study suggests that the parking demand rates for the commercial center would be less than the city code requires.

	Use	Area	Rate	Required
CODE	Unmapped (brewery)	5,125 sf	1/1000 sq. ft.	5
	Unmapped (taproom)	3,600	1/50 sq. ft.	72
	Commercial Center	20,480 sf	4.5/1000 sq. ft.	92

	DeISur	3,625 sf	1/50 sq. ft.	73
	TOTAL			242
ITE AVERAGE	Quality Restaurant*	9,400 sf	7.5/1000 sq. ft.	70
	Shopping Center*	13,500 sf	1.63/1000 sq. ft.	22
	Fast Casual Restaurant*	3,800 seats	7.6/1000 sq. ft.	29
	TOTAL	150		121

* Friday p.m. peak hour = highest demand rate.

The parking study concludes the parking demands of the expanded restaurant could be accommodated onsite. As a note, given the seasonal nature of outdoor patios, additional parking has historically not been required. Should the parking demands exceed the site's available amount of parking, staff believes there are opportunities within the surrounding area for shared parking agreements.

Traffic

The proposed restaurant would be located within a neighborhood shopping center located at the intersections of Excelsior Blvd/ Willison Road and Excelsior Blvd/ Eden Prairie Road.

	Roadway classification	Designed capacity	2015 Traffic volumes
Williston Road	Collector	1,000 – 15,000	4,450
Excelsior Blvd	Minor Arterial	5,000 – 30,000	11,000
Eden Prairie Rd	Minor Arterial	5,000 – 30,000	7,300

By ITE standards, the proposed restaurant would generate roughly 65 trips during the p.m. peak hour. Based on the existing traffic volumes of the adjacent roadways, the anticipated impact of the proposed restaurant would be minimal.

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and

4. The use does not have an undue adverse impact on the public health, safety, or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 4(i) for restaurants having on-sale liquor or dance hall licenses:

1. parking shall be in compliance with the requirements of Section 300.28 of this ordinance;

Finding: The commercial center would not meet the parking requirements, and a variance is required. Staff finds the parking variance request reasonable as noted in the variance section of this report.

2. shall only be permitted when it can be demonstrated that the operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and

Finding: Based on ITE standards, the proposed restaurant use is not anticipated to significantly impact existing traffic volumes or levels of service.

3. shall not be located within 100 feet of any low-density residential parcel or adjacent to medium or high-density residential parcels. The city may reduce separation requirements if the following are provided:

- a. landscaping and berming to shield the restaurant use;
- b. parking lots not located in proximity to residential uses; and
- c. lighting plans which are unobtrusive to surrounding areas.

Finding: The proposed restaurant would be located within 100-feet of the low-density residential to the south. However, the nearest residential structure would be more than 100-feet away. Additionally, the restaurant would be screened by existing vegetation separating the shopping center and the single-family homes. The parking lot and restaurant entrance would be located on the north side of the shopping center, further separating the most intense part of the restaurant use from the single-family homes.

The proposed seating area would meet the general CUP standards, as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;

2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety, or welfare.

But for setback from the south property, the proposed seating would meet the specific conditional use permit standards for outdoor seating area as outlined in City Code §300.21 Subd. 4(p):

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required, and the enclosure shall not be interrupted; access shall be only through the principal building;

Finding: Access to the patio would be via the restaurant building. This has also be included as a condition of approval.

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

Finding: The expanded patio would be located 130 feet from the closest residential property, requiring a variance from this standard. See the "Variance" section below.

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The outdoor dining area would be located in an existing, open area adjacent to the restaurant space and would not obstruct vehicular or pedestrian circulation.

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

Finding: The outdoor dining area would not obstruct any parking spaces.

5. Shall be located adjacent to an entrance to the principal use;

Finding: The outdoor area would be located immediately adjacent to the principal use and accessed via the entrance to the principal use.

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

Finding: This is included as a condition of approval.

7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

Finding: This is included as a condition of approval.

8. Shall be located in compliance with building setback requirements.

Finding: The outdoor area would be meet building setback requirements.

Variance Standard

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

The requested variances would meet the variance standard:

Intent of the ordinance:

- The intent of the ordinance as it relates to parking requirements is to ensure adequate parking is provided to meet anticipated parking demands. Based on ITE standards, the shopping center would have a much lower parking demand than city code requirements. Further, parking observations suggest that the site's actual parking demand is even less than anticipated by the ITE standards. While staff does not anticipate parking issues, staff does believe that if issues should arise in the future, there are opportunities for shared parking agreements within the area.
- The intent of the ordinance as it relates to the location of the restaurant and residential uses is to ensure appropriate separation of uses, which are known to have differing levels of activity and intensities. In this case, the shopping center building is located 40-feet from the shared property line. The restaurant entrance and outdoor seating area would be 130

feet from the nearest residential structure. Additionally, the restaurant is screened by existing vegetation and topography.

Consistency with the comprehensive guide plan:

The subject property is located within the Glen Lake village center. One of the overall themes outlined in the guide plan is to “provide development and redevelopment opportunities to increase vitality, promote identity and improve livability” within village centers. The requested variances would allow for the reuse of a space previously occupied by a restaurant user. Further, the restaurant use would be compatible with existing uses within the village center.

Practical difficulties:

- Reasonable and Unique Circumstance:

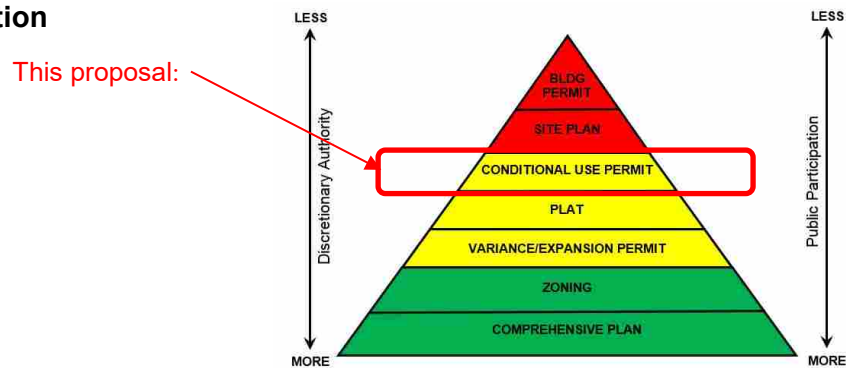
The requested parking variances is reasonable. Based on the center’s users and ITE standards, the parking ordinance would require more stalls than needed to accommodate the anticipated parking demand. Further, parking observations suggest that the parking demands of the site are even lower than ITE standards anticipate. Staff finds that this is likely the result of the diversity of the center’s tenants and varied hours of operation. In combination, these circumstances are unique and not common to other similarly zoned properties.

The requested variance to reduce the required separation between the restaurant and residential uses is reasonable. Construction of the original Glen Lake Center occurred in 1958. This predates the adoption of the city’s first zoning ordinance. The variance would allow a restaurant user to occupy a space previously occupied by a restaurant and other food-related uses. The restaurant entrance and parking would be orientated away from the residential uses and would be visually separated from them by existing vegetation and topography.

- Character of the locality:

The requested variances would not significantly impact the character of the locality. Rather, the variance would allow for the reuse of a space previously occupied by a restaurant and a use generally compatible with existing uses in the shopping center.

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's approval requires an affirmative vote of five members, due to the requested variances.

Motion Options

The planning commission has three options:

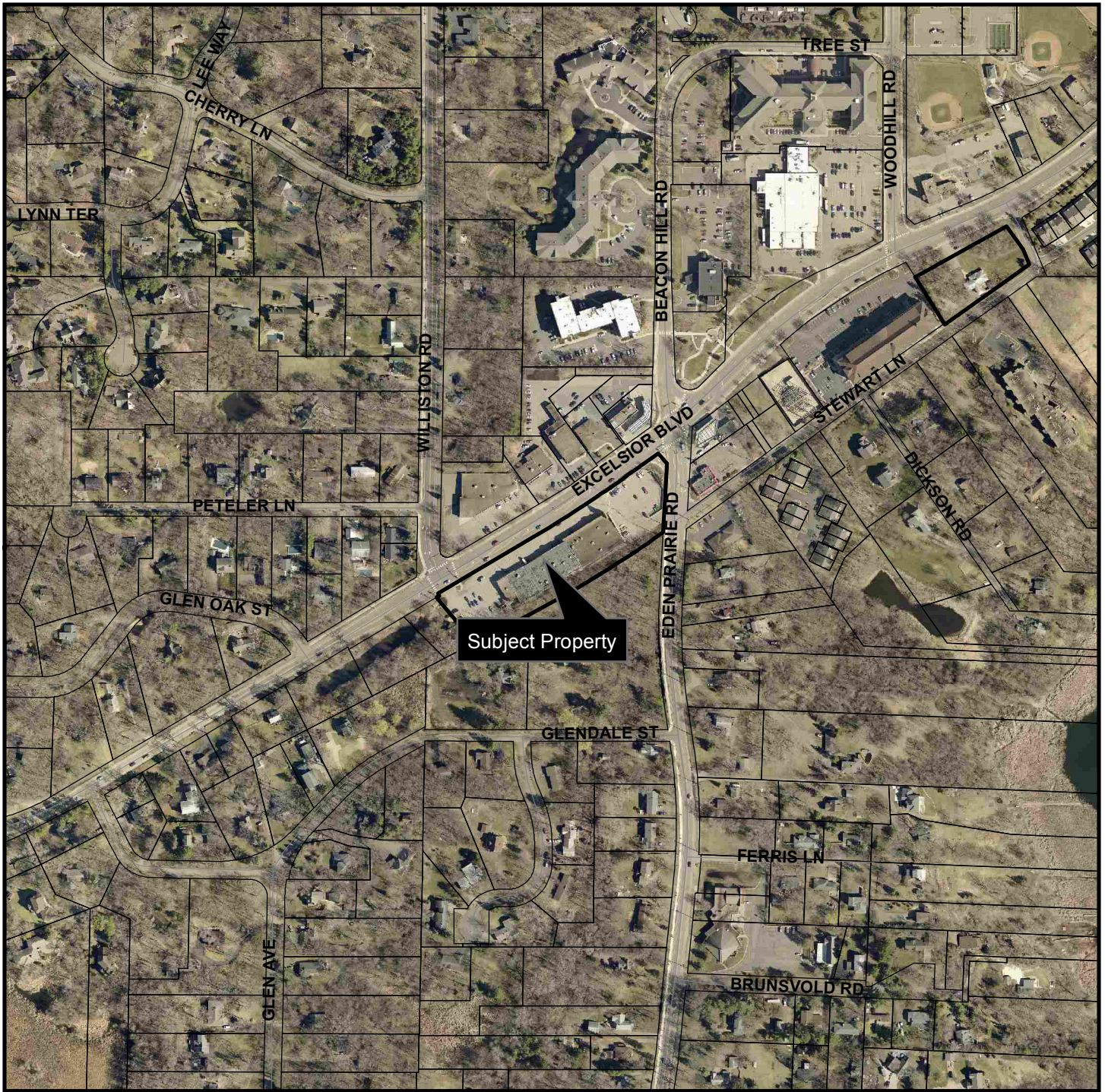
1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include 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.

Neighborhood Comments

The city sent notices to 162 area property owners and received no comments.

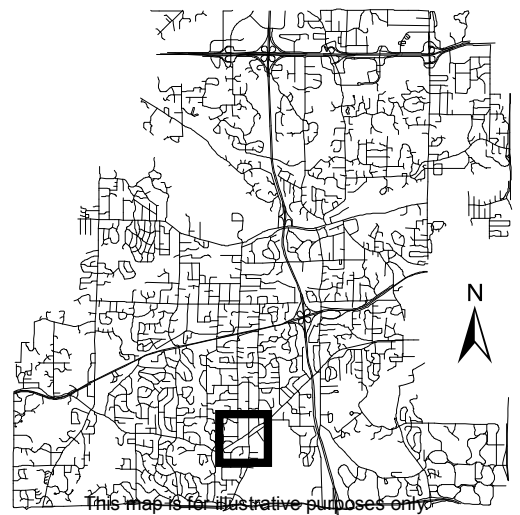
Deadline for Decision

June 18, 2021



Location Map

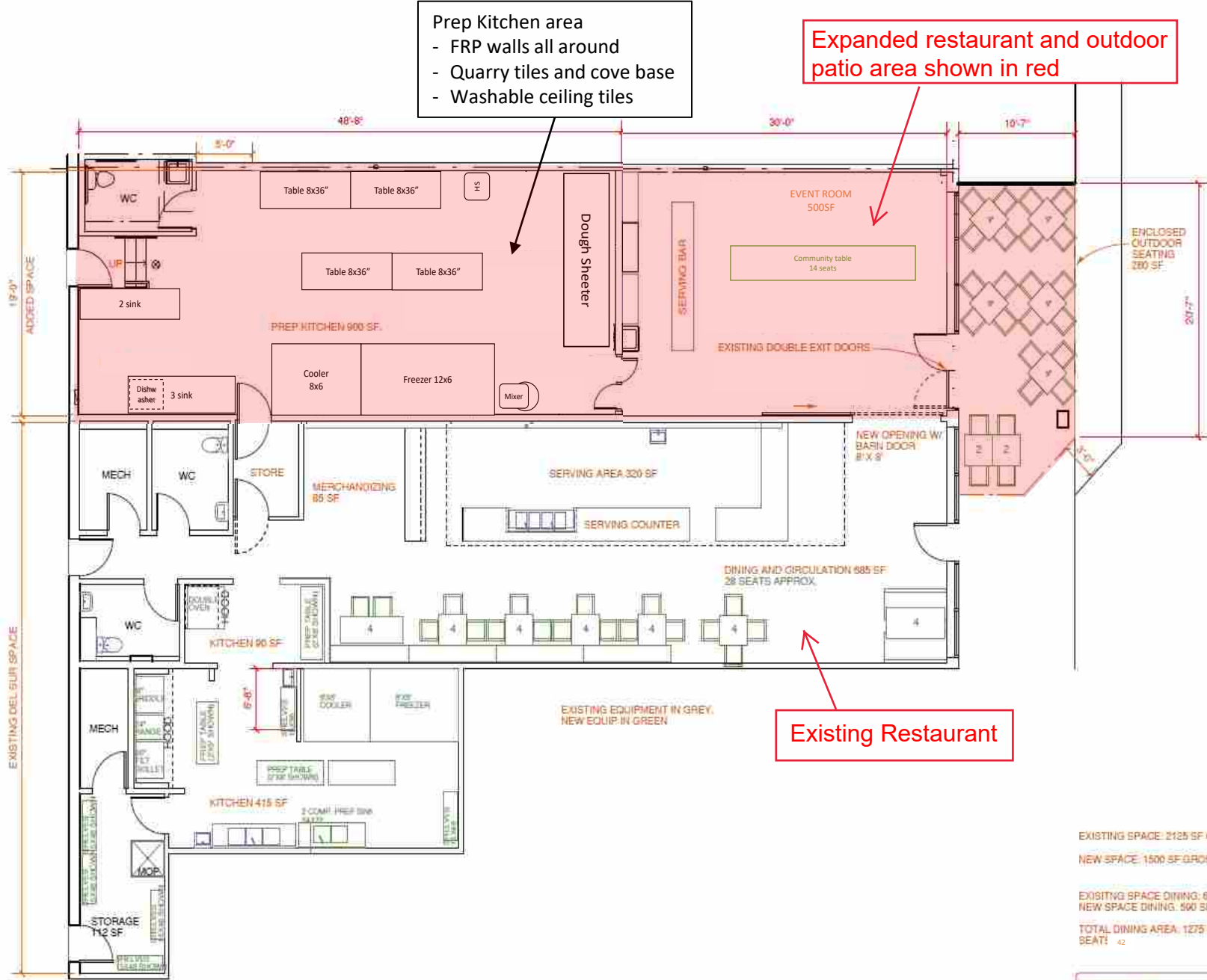
Project: Del Sur
Address: 14725 Excelsior Blvd



This map is for illustrative purposes only.

Prep Kitchen area
 - FRP walls all around
 - Quarry tiles and cove base
 - Washable ceiling tiles

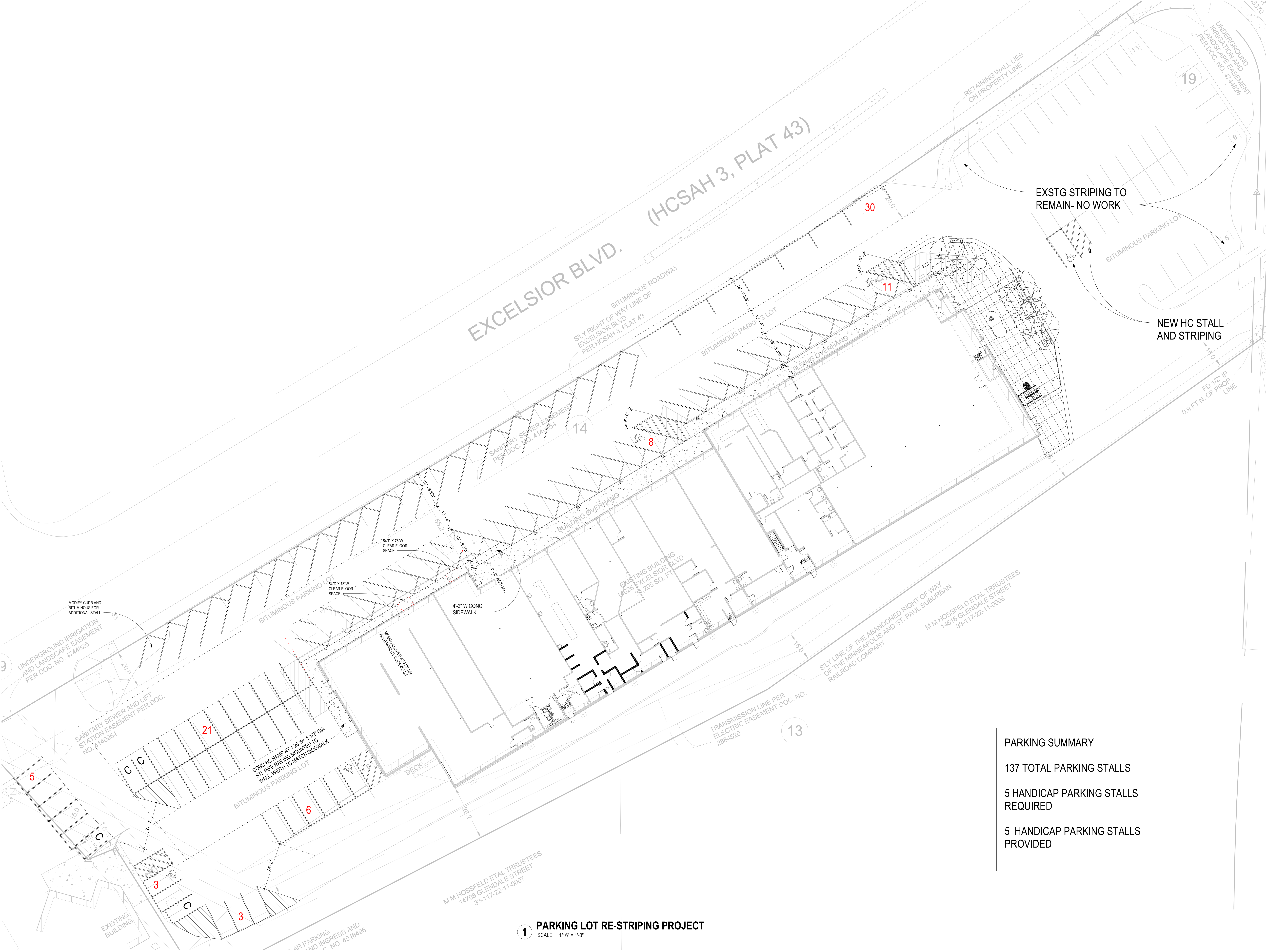
Expanded restaurant and outdoor patio area shown in red



Existing Restaurant

EXISTING SPACE: 2125 SF GROSS
 NEW SPACE: 1500 SF GROSS
 EXISTING SPACE DINING: 685 SF
 NEW SPACE DINING: 590 SF
 TOTAL DINING AREA: 1275 SF
 SEAT: 42

Dimension Note:
 All dimensions are noted to type of wall or existing work. Conflicting dimensions shall be verified by architect prior to construction.

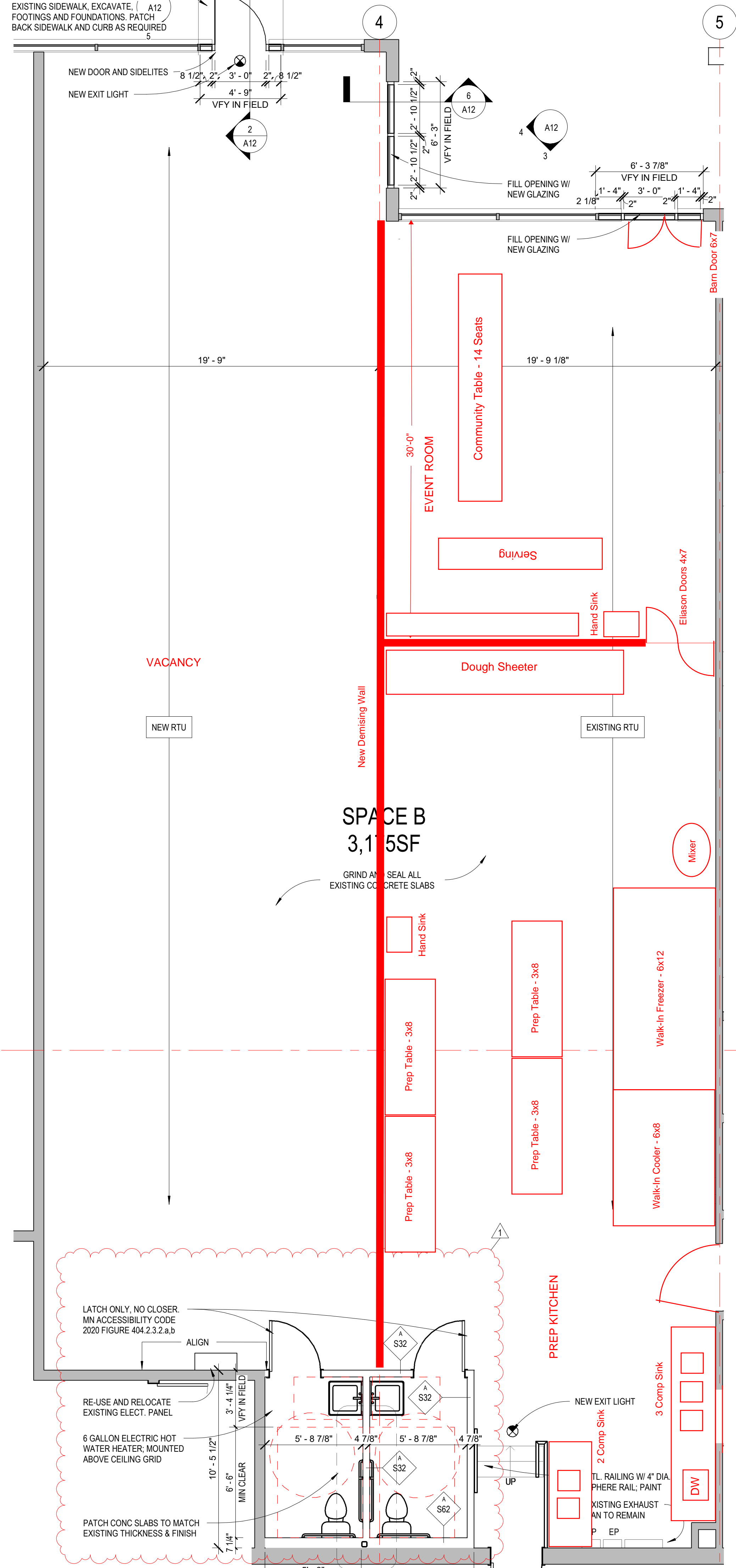


PARKING SUMMARY	
137 TOTAL PARKING STALLS	
5 HANDICAP PARKING STALLS REQUIRED	
5 HANDICAP PARKING STALLS PROVIDED	

1 PARKING LOT RE-STRIPING PROJECT
SCALE 1/16" = 1'-0"

**Glen Lake Station
SF Resolution
December 2020**

		<u>Usuable</u>	<u>Rentable</u>	February 2021	<u>Usuable</u>	<u>Rentable</u>
		<u>SF</u>	<u>SF</u>		<u>SF</u>	<u>SF</u>
14625	Unmapped Brewery			Unmapped Brewery	9,387	9,596
14635	State Farm			State Farm	1,118	1,143
14645	Ecig			Ecig	1,001	1,023
14655	Gina Maria's			Gina Maria's	1,024	1,047
14665	Vacant			Vacant	1,619	1,655
14675	Studio 13			Studio 13	1,943	1,986
14705	Vacant			Vacant	1,793	1,833
14709	Annie's Nails			Annie's Nails	860	879
14713	Ken's Barber Shop			Ken's Barber Shop	499	510
14725	Del Sur	2,219	2,268	Del Sur	3,776	3,860
14729	Sir Knight			Vacant	1,618	1,654
14731	Pet Stuff			Pet Stuff	5,515	5,638
	Sub totals				<u>30,153</u>	<u>30,825</u>
	Common Area			Common Area	<u>672</u>	
					30,825	



1 Floor Plan - Space B
SCALE 1/4" = 1'-0"

CODE SUMMARY: COMPLETED 9/04/2020

DRAWINGS AND CONSTRUCTION SHALL COMPLY WITH THE 2020 MINNESOTA STATE BUILDING CODE AS ADOPTED MARCH 31, 2020, INCLUDING INTERNATIONAL BUILDING CODE, YEAR 2018 EDITION AS ADOPTED QUALIFIED AND AMENDED

OCCUPANCY GROUPS: (MNSBC CHAPTER 3, TABLE 508.4, AND FOOTNOTES)

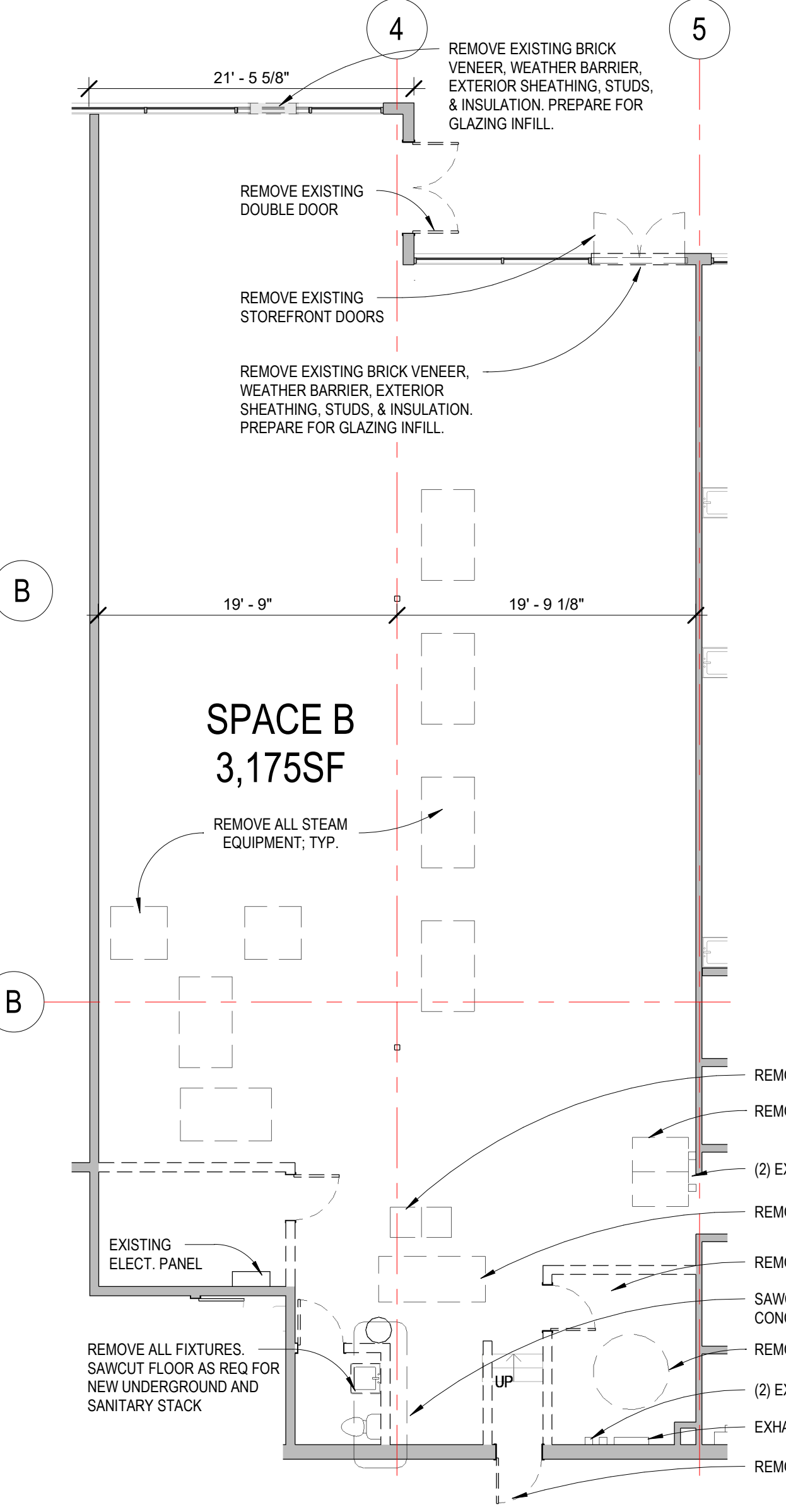
NONSEPARATED USES OCCUPANCY GROUPS: AREA CALCULATED BASED UPON MOST RESTRICTIVE A-2 OCCUPANCY M

CONSTRUCTION TYPE/FIRE RATING: (MNSBC CHAPTER 6) II-B

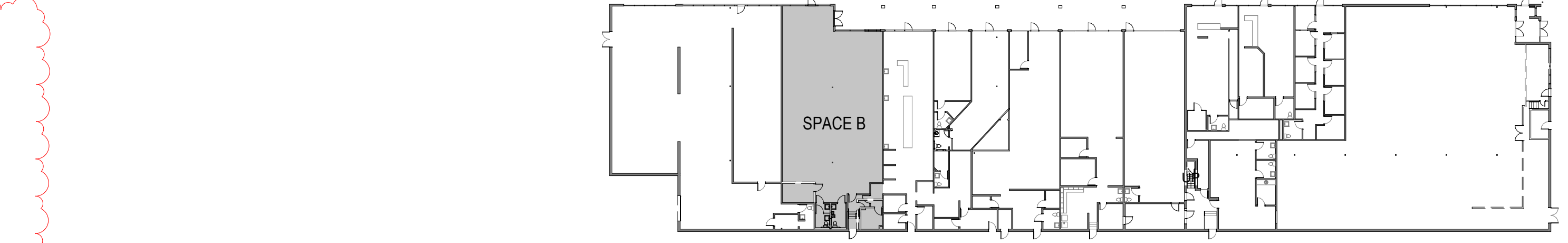
MAXIMUM NUMBER OF STORIES & MAXIMUM HEIGHT: (MNSBC PARAGRAPH 504, TABLE 504.3, 504.4) 2 STORIES

ALLOWABLE AREA CALCULATIONS:	
BASIC ALLOWABLE AREA: (MNSBC TABLE 506.2)	50,000 SF
BUILDING PERIMETER ON PUBLIC WAY > 20 FEET: (IBC PARAGRAPH 506.3)	YES
BUILDING PERIMETER OF ENTIRE BUILDING: (IBC PARAGRAPH 506.3) Aa = [At + [At X If] + [At X Is]]	NOT USED
MINIMUM WIDTH OF PUBLIC WAY OR OPEN SPACE: (IBC PARAGRAPH 506.3)	>20 FT
UNLIMITED AREA (B, F, M, OR S): (MNSBC PARAGRAPH 507.4)	NOT USED
TOTAL ALLOWABLE AREA:	50,000 SF
FIRST FLOOR AREA:	30,881 SF
COMPLIES W/ IBC TOTAL ALLOWABLE NON-SEPARATED USES AREA:	YES

OCCUPANCY SEPARATION REQUIREMENTS: (MNSBC PARAGRAPH 508.4 & TABLE 508.4)	NO SEPARATION REQ'D FOR ANY OCCUPANCIES
TYPE IIB CONSTRUCTION: FIRE RESISTANCE RATINGS FOR FOLLOWING BUILDING ELEMENTS: (MNSBC TABLE 601)	
STRUCTURAL FRAME:	0 HOURS
BEARING WALLS:	0 HOURS
NONBEARING WALLS:	0 HOURS
FLOOR SYSTEM:	0 HOURS
ROOF SYSTEM:	0 HOURS
INCIDENTAL USE AREA SEPARATIONS: (MNSBC PARAGRAPH 509.4 & TABLE 509)	NONE REQUIRED
FIRE PARTITIONS: (MNSBC PARAGRAPHS 708.1, 708.3 & 708.4)	1 HOUR
FIRE RESISTANCE RATING OF CORRIDOR WALLS: (MNSBC TABLE 1020.1)	0 HOUR (WITH SPRINKLER SYS.)
SHAFT AND VERTICAL EXIT ENCLOSURES: (MNSBC PARAGRAPHS 707.3.1, 713.4 & 1023.1)	1 HOUR (LESS THAN 4 STORIES)



3 Floor Plan - Space B DEMO
SCALE 1/8" = 1'-0"

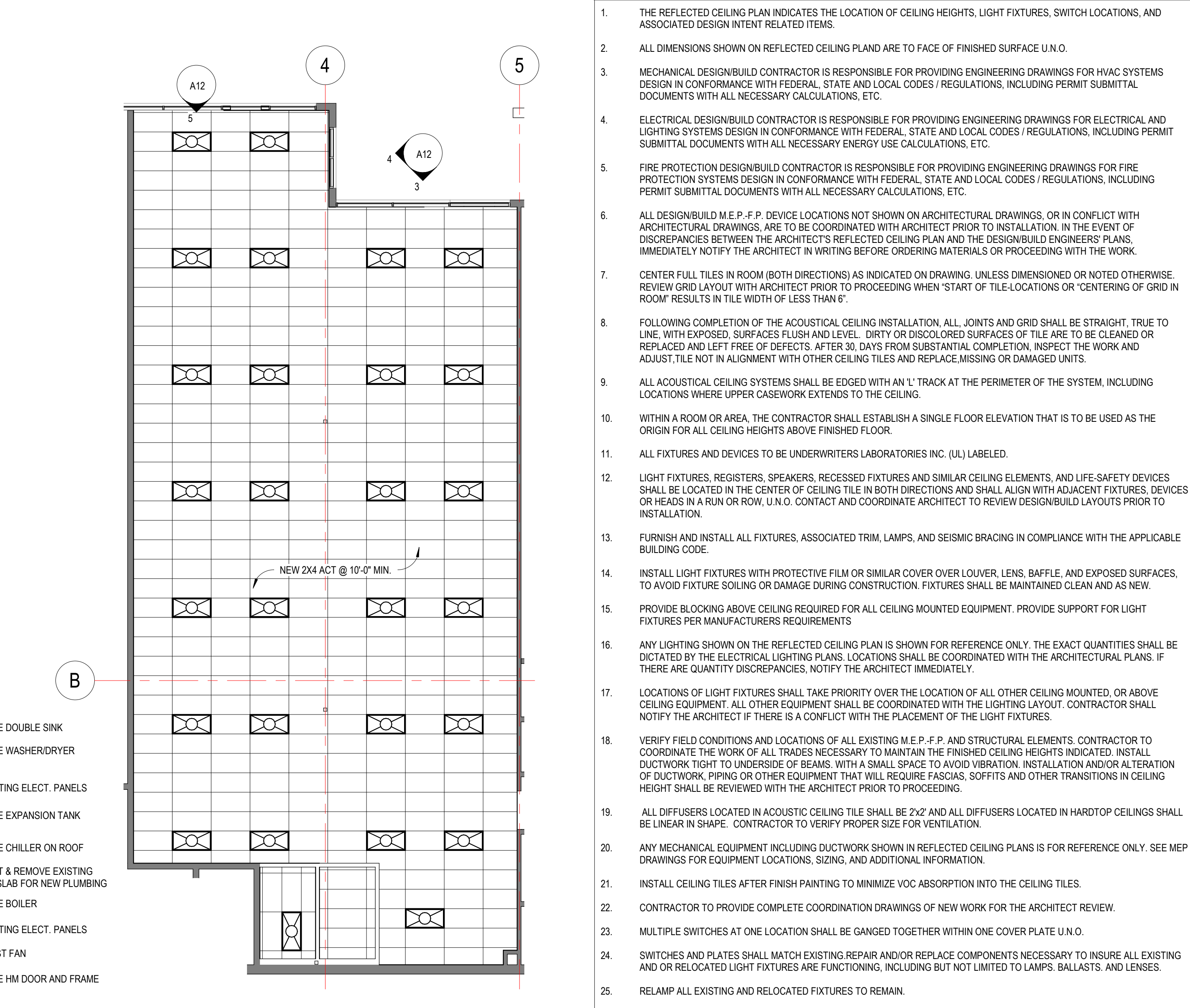


2 Key Plan - Space B
SCALE 1" = 40'-0"

GENERAL DEMOLITION NOTES

- EXTENT OF DEMOLITION IS CONTAINED IN BUT NOT LIMITED TO AREAS INDICATED ON PLAN AS EXTENTS OF CONSTRUCTION.
- ALL PROPER EXITING, LIFE SAFETY ITEMS AND APPLICABLE CODES SHALL BE MAINTAINED THROUGH OUT THE EXTENT OF THE DEMOLITION PROCESS.
- DEMO CONTRACTORS SHALL VISIT SITE AND BUILDING PRIOR TO PREPARING AND SUBMITTING BIDS.
- ALL DEBRIS REMOVED FROM THE BUILDING SHALL BE DISPOSED OF OFF SITE IN A LEGAL MANNER. CONTRACTOR SHALL COORDINATE WITH THE LANDLORD FOR LOCATION AND REMOVAL OF DUMPSTERS.
- IF ASBESTOS, OR OTHER UNKNOWN MATERIALS ARE ENCOUNTERED, NOTIFY THE LANDLORD AND ARCHITECT IMMEDIATELY AND STOP DEMOLITION UNTIL LANDLORD DIRECTS CONTRACTOR TO CONTINUE.
- IDENTIFY ALL NON-CODE COMPLIANT CONDITIONS, AND NOTIFY ARCHITECT
- IDENTIFY ALL ABANDONED LIE VOLTAGE AND LOW VOLTAGE WIRING AND CONDUITS WITHIN THE CEILINGS AND REMOVE CONDUITS, WIRE, BOXES, AND OTHER ELEMENTS.
- REMOVE VINYL TILE AND MASTIC. SEE ENVIRONMENTAL REPORT FOR POTENTIAL ASBESTOS
- PREP ALL DEMOD FLOOR SURFACES FOR NEW FLOORING MATERIAL; SEE SCHEDULE
- GRIND AND SEAL CONCRETE FLOOR
- MODIFY EXISTING SPRINKLER HEADS AND PIPING FOR NEW ACT TILE
- CONTACT ARCHITECT PRIOR TO REMOVAL OF ANY STRUCTURAL ELEMENTS NOT ACCOUNTED FOR ON THE DEMOLITION PLAN.
- REMOVE ALL ITEMS SHOWN AS DASHED ON THE DEMOLITION PLAN. ITEMS SHALL INCLUDE BUT NOT BE LIMITED TO WALLS, STEEL STUDS, DRYWALL, VINYL, RUBBER, OR CARPET BASE, DOORS, FRAMES AND HARDWARE.
- AT ALL WALLS TO BE DEMOLISHED, REMOVE ELECTRICAL WIRING, CONDUIT, SWITCHING, BOXES, LOW VOLTAGE WIRING AND BOXES.
- WHERE ENTIRE LENGTHS OF WALL ARE TO BE DEMOLISHED, ASSOCIATED CEILINGS SHALL BE REMOVED. CEILINGS SHALL INCLUDE ACOUSTIC CEILING TILES, LIGHTING, HVAC, AD GRIDS.

REFLECTED CEILING PLAN NOTES



4 Reflected Ceiling Plan - Space B
SCALE 1/8" = 1'-0"

- THE REFLECTED CEILING PLAN INDICATES THE LOCATION OF CEILING HEIGHTS, LIGHT FIXTURES, SWITCH LOCATIONS, AND ASSOCIATED DESIGN INTENT RELATED ITEMS.
- ALL DIMENSIONS SHOWN ON REFLECTED CEILING PLAN ARE TO FACE OF FINISHED SURFACE U.N.O.
- MECHANICAL DESIGN/BUILD CONTRACTOR IS RESPONSIBLE FOR PROVIDING ENGINEERING DRAWINGS FOR HVAC SYSTEMS DESIGN IN CONFORMANCE WITH FEDERAL, STATE AND LOCAL CODES / REGULATIONS, INCLUDING PERMIT SUBMITTAL DOCUMENTS WITH ALL NECESSARY CALCULATIONS, ETC.
- ELECTRICAL DESIGN/BUILD CONTRACTOR IS RESPONSIBLE FOR PROVIDING ENGINEERING DRAWINGS FOR ELECTRICAL AND LIGHTING SYSTEMS DESIGN IN CONFORMANCE WITH FEDERAL, STATE AND LOCAL CODES / REGULATIONS, INCLUDING PERMIT SUBMITTAL DOCUMENTS WITH ALL NECESSARY ENERGY USE CALCULATIONS, ETC.
- FIRE PROTECTION DESIGN/BUILD CONTRACTOR IS RESPONSIBLE FOR PROVIDING ENGINEERING DRAWINGS FOR FIRE PROTECTION SYSTEMS DESIGN IN CONFORMANCE WITH FEDERAL, STATE AND LOCAL CODES / REGULATIONS, INCLUDING PERMIT SUBMITTAL DOCUMENTS WITH ALL NECESSARY CALCULATIONS, ETC.
- ALL DESIGN/BUILD M.E.P.-F.P. DEVICE LOCATIONS NOT SHOWN ON ARCHITECTURAL DRAWINGS, OR IN CONFLICT WITH ARCHITECTURAL DRAWINGS, ARE TO BE COORDINATED WITH ARCHITECT PRIOR TO INSTALLATION. IN THE EVENT OF DISCREPANCIES BETWEEN THE ARCHITECT'S REFLECTED CEILING PLAN AND THE DESIGN/BUILD ENGINEER'S PLANS, IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING BEFORE ORDERING MATERIALS OR PROCEEDING WITH THE WORK.
- CENTER FULL TILES IN ROOM (BOTH DIRECTIONS) AS INDICATED ON DRAWING. UNLESS DIMENSIONED OR NOTED OTHERWISE, REVIEW GRID LAYOUT WITH ARCHITECT PRIOR TO PROCEEDING WHEN "START OF TILE-LOCATIONS OR "CENTERING OF GRID IN ROOM" RESULTS IN TILE WIDTH OF LESS THAN 6".
- FOLLOWING COMPLETION OF THE ACOUSTICAL CEILING INSTALLATION, ALL JOINTS AND GRID SHALL BE STRAIGHT, TRUE TO LINE, WITH EXPOSED SURFACES FLUSH AND LEVEL. DIRTY OR DISCOLORED SURFACES OF TILE ARE TO BE CLEANED OR REPLACED AND LEFT FREE OF DEFECTS. AFTER 30 DAYS FROM SUBSTANTIAL COMPLETION, INSPECT THE WORK AND ADJUST TILE NOT IN ALIGNMENT WITH OTHER CEILING TILES AND REPLACE MISSING OR DAMAGED UNITS.
- ALL ACOUSTICAL CEILING SYSTEMS SHALL BE EDGED WITH AN "L" TRACK AT THE PERIMETER OF THE SYSTEM, INCLUDING LOCATIONS WHERE UPPER CASEWORK EXTENDS TO THE CEILING.
- WITHIN A ROOM OR AREA, THE CONTRACTOR SHALL ESTABLISH A SINGLE FLOOR ELEVATION THAT IS TO BE USED AS THE ORIGIN FOR ALL CEILING HEIGHTS ABOVE FINISHED FLOOR.
- ALL FIXTURES AND DEVICES TO BE UNDERWRITERS LABORATORIES INC. (UL) LABELED.
- LIGHT FIXTURES, REGISTERS, SPEAKERS, RECESSED FIXTURES AND SIMILAR CEILING ELEMENTS, AND LIFE-SAFETY DEVICES SHALL BE LOCATED IN THE CENTER OF CEILING TILE IN BOTH DIRECTIONS AND SHALL ALIGN WITH ADJACENT FIXTURES, DEVICES OR HEADS IN A RUN OR ROW, U.N.O. CONTACT AND COORDINATE ARCHITECT TO REVIEW DESIGN/BUILD LAYOUTS PRIOR TO INSTALLATION.
- FURNISH AND INSTALL ALL FIXTURES, ASSOCIATED TRIM, LAMPS, AND SEISMIC BRACING IN COMPLIANCE WITH THE APPLICABLE BUILDING CODE.
- INSTALL LIGHT FIXTURES WITH PROTECTIVE FILM OR SIMILAR COVER OVER LOUVER, LENS, BAFFLE, AND EXPOSED SURFACES, TO AVOID FIXTURE SOILING OR DAMAGE DURING CONSTRUCTION. FIXTURES SHALL BE MAINTAINED CLEAN AND AS NEW.
- PROVIDE BLOCKING ABOVE CEILING REQUIRED FOR ALL CEILING MOUNTED EQUIPMENT. PROVIDE SUPPORT FOR LIGHT FIXTURES PER MANUFACTURERS REQUIREMENTS
- ANY LIGHTING SHOWN ON THE REFLECTED CEILING PLAN IS SHOWN FOR REFERENCE ONLY. THE EXACT QUANTITIES SHALL BE DICTATED BY THE ELECTRICAL LIGHTING PLANS. LOCATIONS SHALL BE COORDINATED WITH THE ARCHITECTURAL PLANS. IF THERE ARE QUANTITY DISCREPANCIES, NOTIFY THE ARCHITECT IMMEDIATELY.
- LOCATIONS OF LIGHT FIXTURES SHALL TAKE PRIORITY OVER THE LOCATION OF ALL OTHER CEILING MOUNTED, OR ABOVE CEILING EQUIPMENT. ALL OTHER EQUIPMENT SHALL BE COORDINATED WITH THE LIGHTING LAYOUT. CONTRACTOR SHALL NOTIFY THE ARCHITECT IF THERE IS A CONFLICT WITH THE PLACEMENT OF THE LIGHT FIXTURES.
- VERIFY FIELD CONDITIONS AND LOCATIONS OF ALL EXISTING M.E.P.-F.P. AND STRUCTURAL ELEMENTS. CONTRACTOR TO COORDINATE THE WORK OF ALL TRADES NECESSARY TO MAINTAIN THE FINISHED CEILING HEIGHTS INDICATED. INSTALL DUCTWORK TIGHT TO UNDERSIDE OF BEAMS, WITH A SMALL SPACE TO AVOID VIBRATION. INSTALLATION AND/OR ALTERATION OF DUCTWORK, PIPING OR OTHER EQUIPMENT THAT WILL REQUIRE FASCIAS, SOFFITS AND OTHER TRANSITIONS IN CEILING HEIGHT SHALL BE REVIEWED WITH THE ARCHITECT PRIOR TO PROCEEDING.
- ALL DIFFUSERS LOCATED IN ACOUSTIC CEILING TILE SHALL BE 2x2' AND ALL DIFFUSERS LOCATED IN HARDTOP CEILINGS SHALL BE LINEAR IN SHAPE. CONTRACTOR TO VERIFY PROPER SIZE FOR VENTILATION.
- ANY MECHANICAL EQUIPMENT INCLUDING DUCTWORK SHOWN IN REFLECTED CEILING PLANS IS FOR REFERENCE ONLY. SEE MEP DRAWINGS FOR EQUIPMENT LOCATIONS, SIZING, AND ADDITIONAL INFORMATION.
- INSTALL CEILING TILES AFTER FINISH PAINTING TO MINIMIZE VOC ABSORPTION INTO THE CEILING TILES.
- CONTRACTOR TO PROVIDE COMPLETE COORDINATION DRAWINGS OF NEW WORK FOR THE ARCHITECT REVIEW.
- MULTIPLE SWITCHES AT ONE LOCATION SHALL BE GANGED TOGETHER WITHIN ONE COVER PLATE U.N.O.
- SWITCHES AND PLATES SHALL MATCH EXISTING REPAIR AND/OR REPLACE COMPONENTS NECESSARY TO INSURE ALL EXISTING AND OR RELOCATED LIGHT FIXTURES ARE FUNCTIONING, INCLUDING BUT NOT LIMITED TO LAMPS, BALLASTS, AND LENSES.
- RELAMP ALL EXISTING AND RELOCATED FIXTURES TO REMAIN.
- ALL LAMP COLOR TEMPERATURES TO BE CONSISTENT WITHIN SIMILAR FIXTURE TYPES.

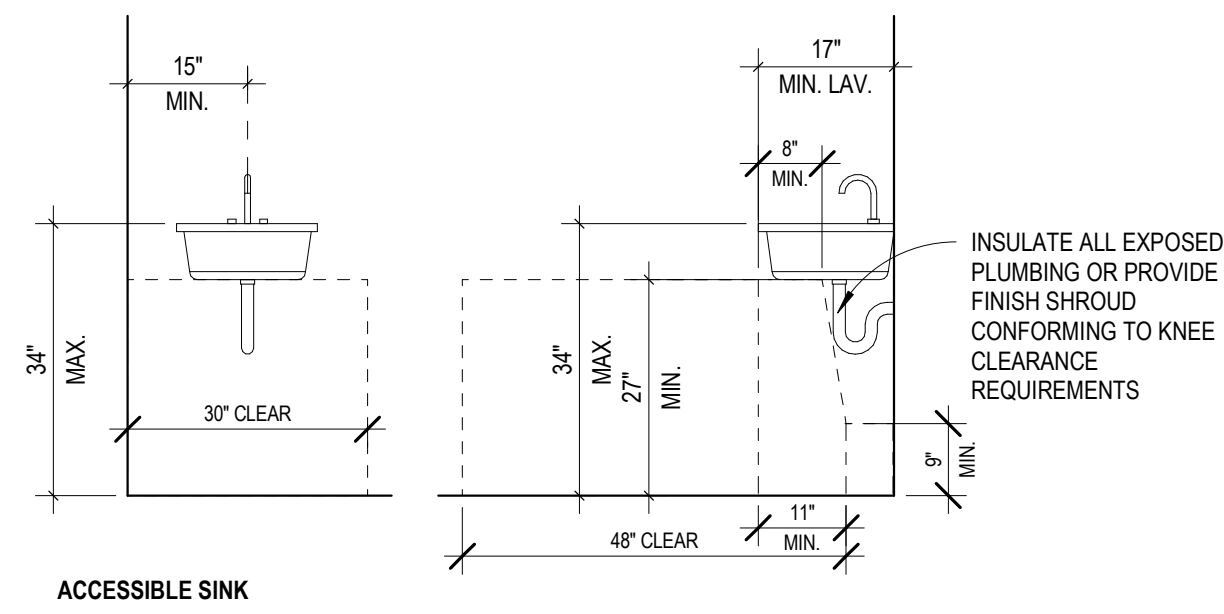
TRUE NORTH INVESTMENTS
EXCELSIOR BOULEVARD, GLEN LAKE, MN

1	AS1	09/03/20
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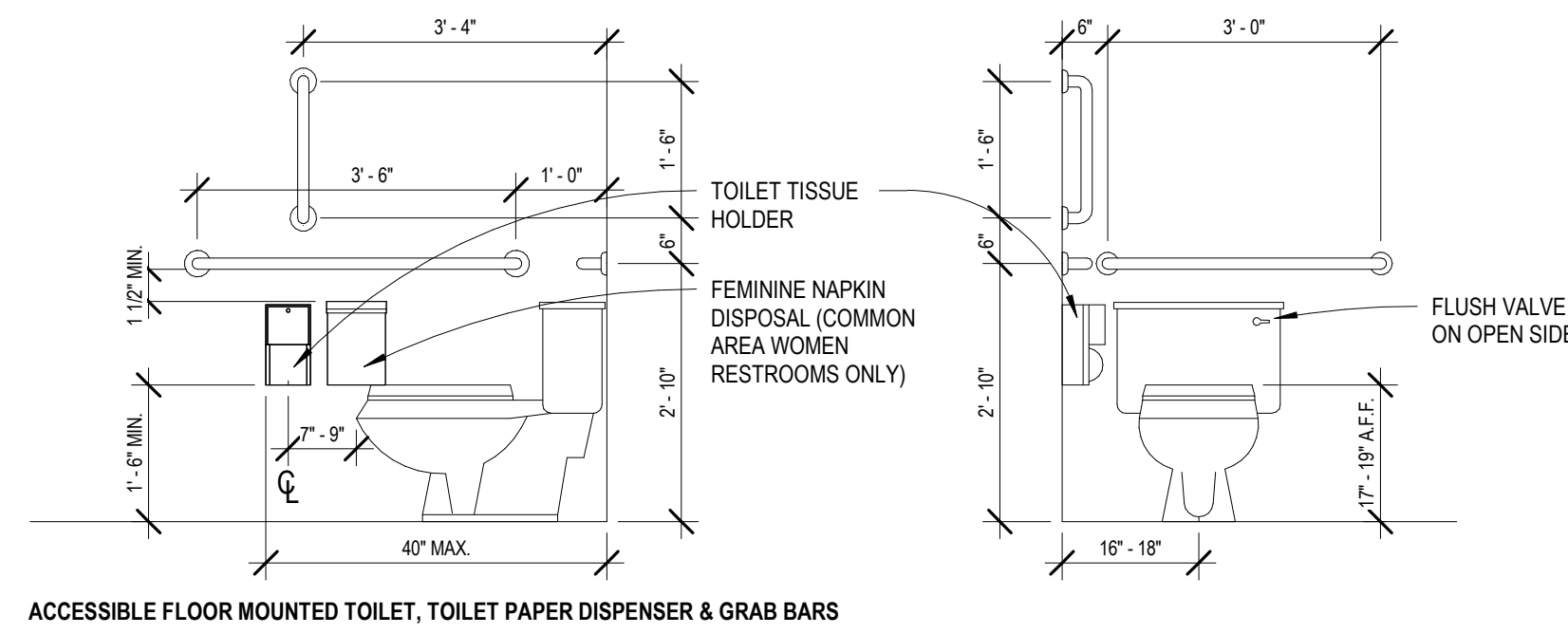
ALL ARCHITECTURAL AND ENGINEERING DRAWINGS ARE IN CONFORMANCE AND DISSEMINATION MAY NOT BE MADE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S DESIGN SHALL BE USED AS SHOWN AND NOT AS DESCRIBED. THE ARCHITECT'S DESIGN SHALL BE USED AS SHOWN AND NOT AS DESCRIBED. THE ARCHITECT'S DESIGN SHALL BE USED AS SHOWN AND NOT AS DESCRIBED. THE ARCHITECT'S DESIGN SHALL BE USED AS SHOWN AND NOT AS DESCRIBED.

Jeffrey B. Wiebe
DATE: 09/03/2020
SIGNATURE: [Signature]
LICENSE: 40247

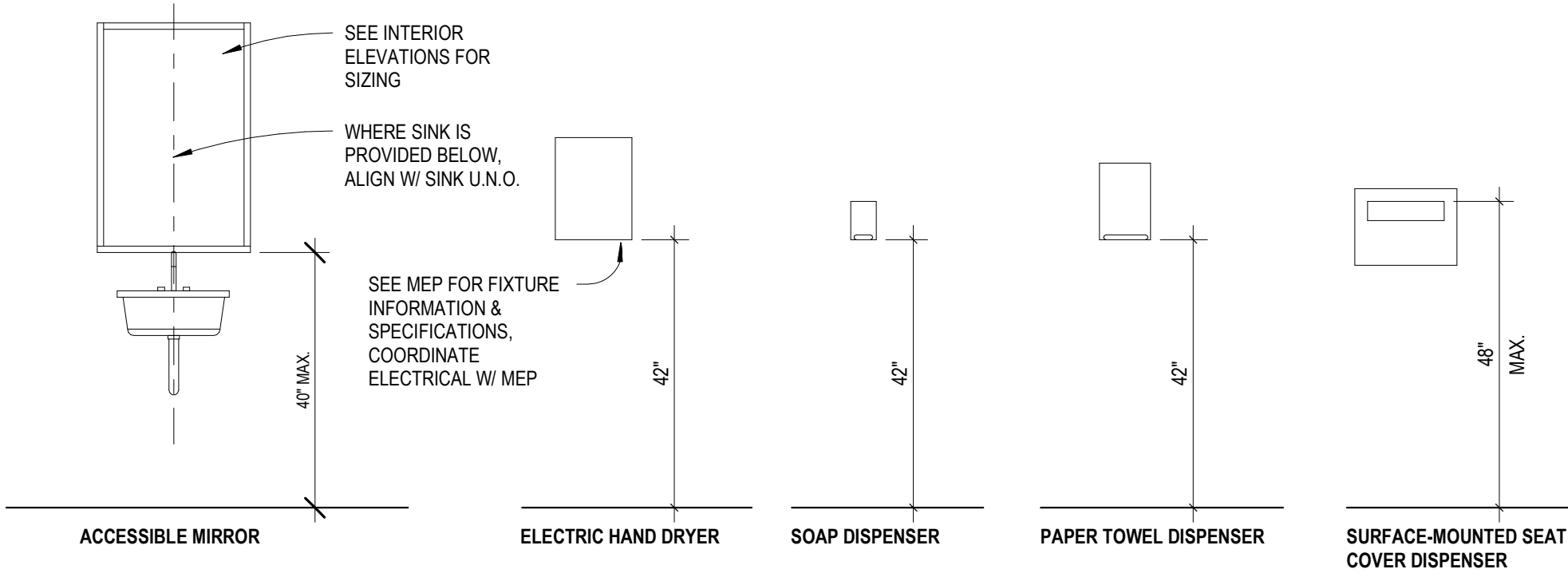
Date	09/03/2020
Project Architect	INITIAL
Permit Submit Date	N/A
Project Number	20044



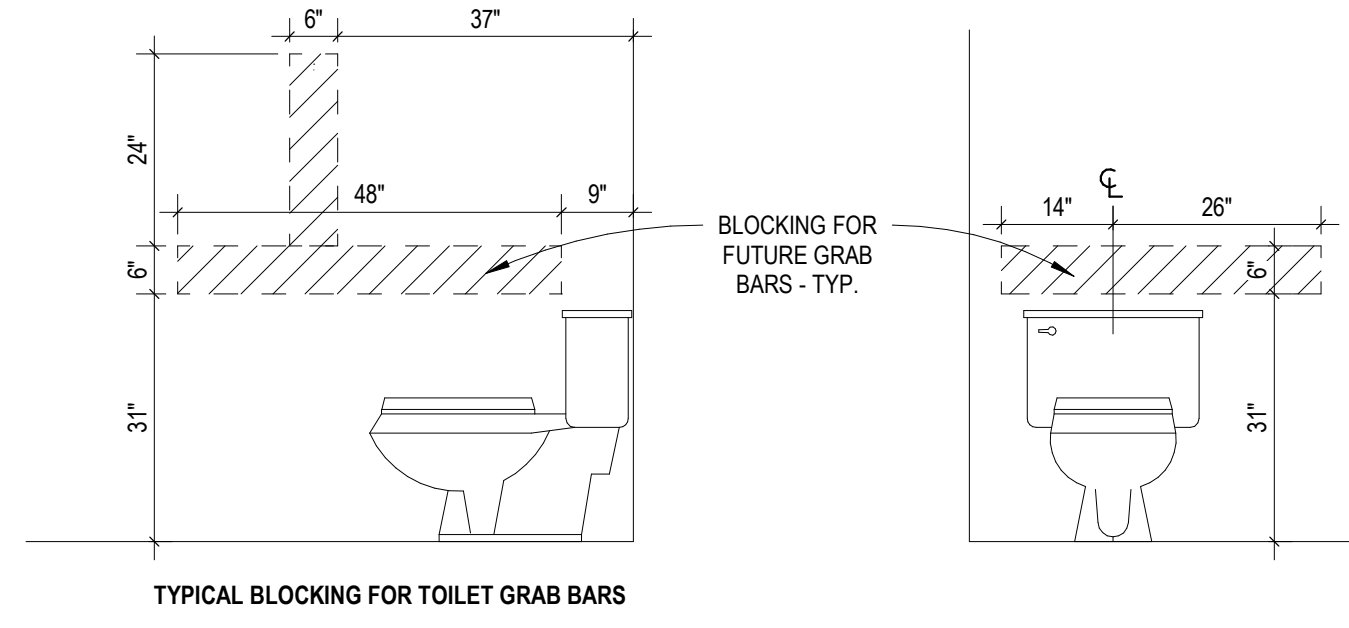
ACCESSIBLE SINK



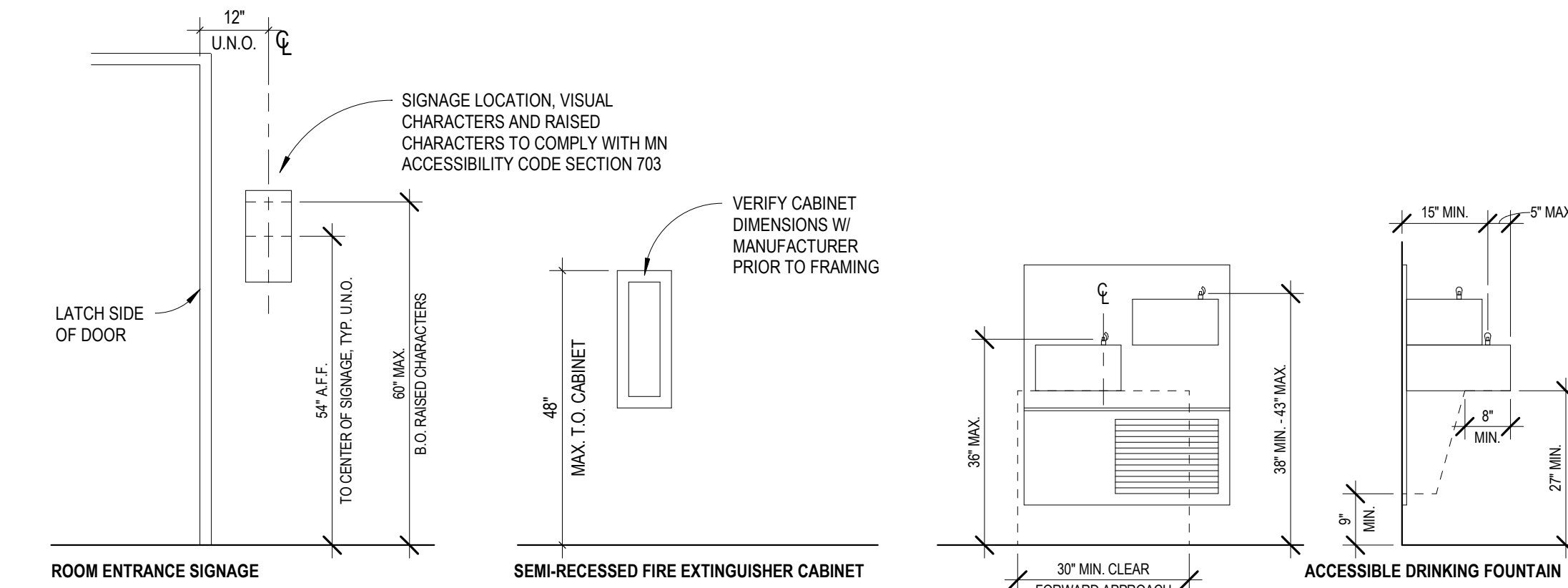
ACCESSIBLE FLOOR MOUNTED TOILET, TOILET PAPER DISPENSER & GRAB BARS



ACCESSIBLE MIRROR ELECTRIC HAND DRYER SOAP DISPENSER PAPER TOWEL DISPENSER SURFACE-MOUNTED SEAT COVER DISPENSER



TYPICAL BLOCKING FOR TOILET GRAB BARS

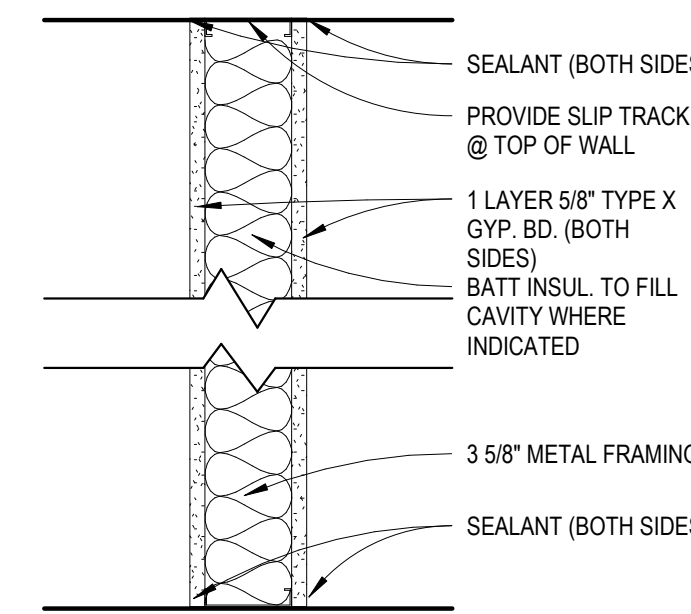


ROOM ENTRANCE SIGNAGE SEMI-RECESSED FIRE EXTINGUISHER CABINET ACCESSIBLE DRINKING FOUNTAIN

1 ACCESSORY SCHEDULE
SCALE 1/2" = 1'-0"

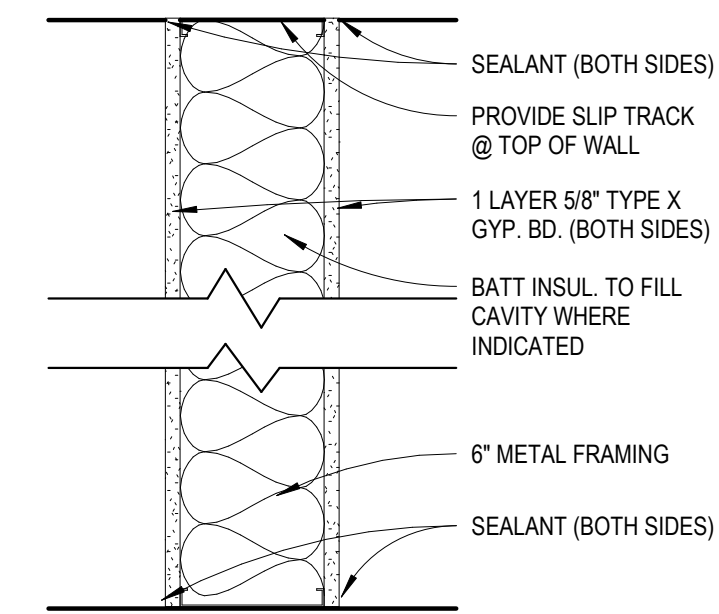
ACCESSORY SCHEDULE

1. ALL ACCESSORIES TO BE INSTALLED BY CONTRACTOR UNLESS NOTED OTHERWISE
2. ALL ITEMS TO BE PROVIDED BY CONTRACTOR UNLESS NOTED OTHERWISE
3. SEE MEP FOR ELECTRICAL AND PLUMBING FIXTURE INFORMATION & SPECIFICATIONS
4. SEE ARCHITECTURAL SPECIFICATIONS FOR PROPOSED ACCESSORY MANUFACTURERS, STYLES, AND FINISHES



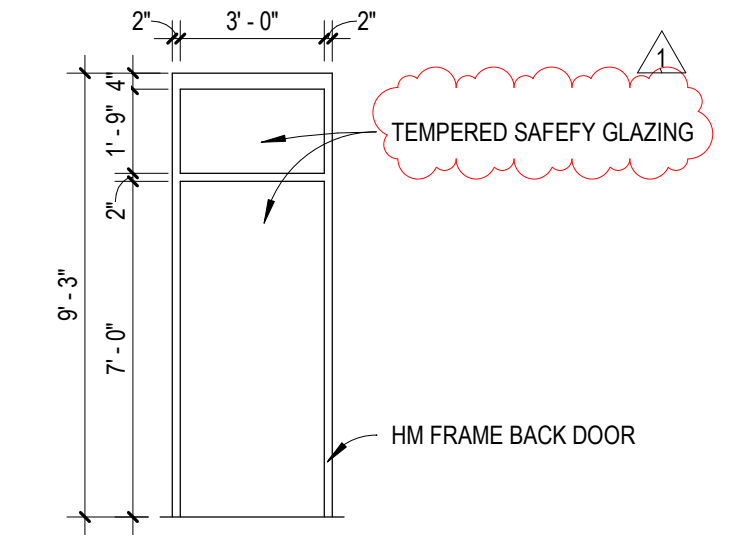
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UL #U419 STC: 45-49

8 S32
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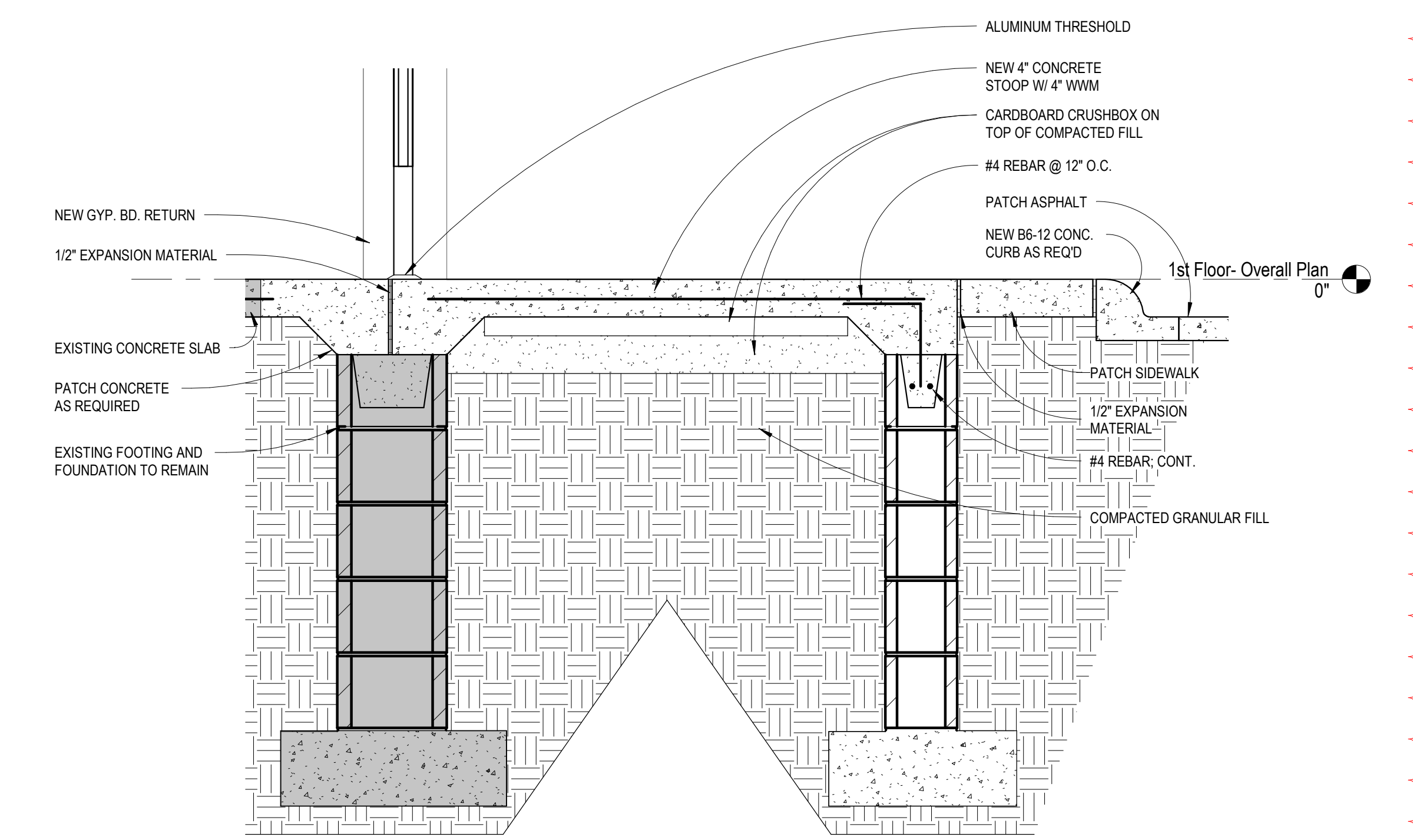


S62
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#WP1072 STC: 51 (JM)

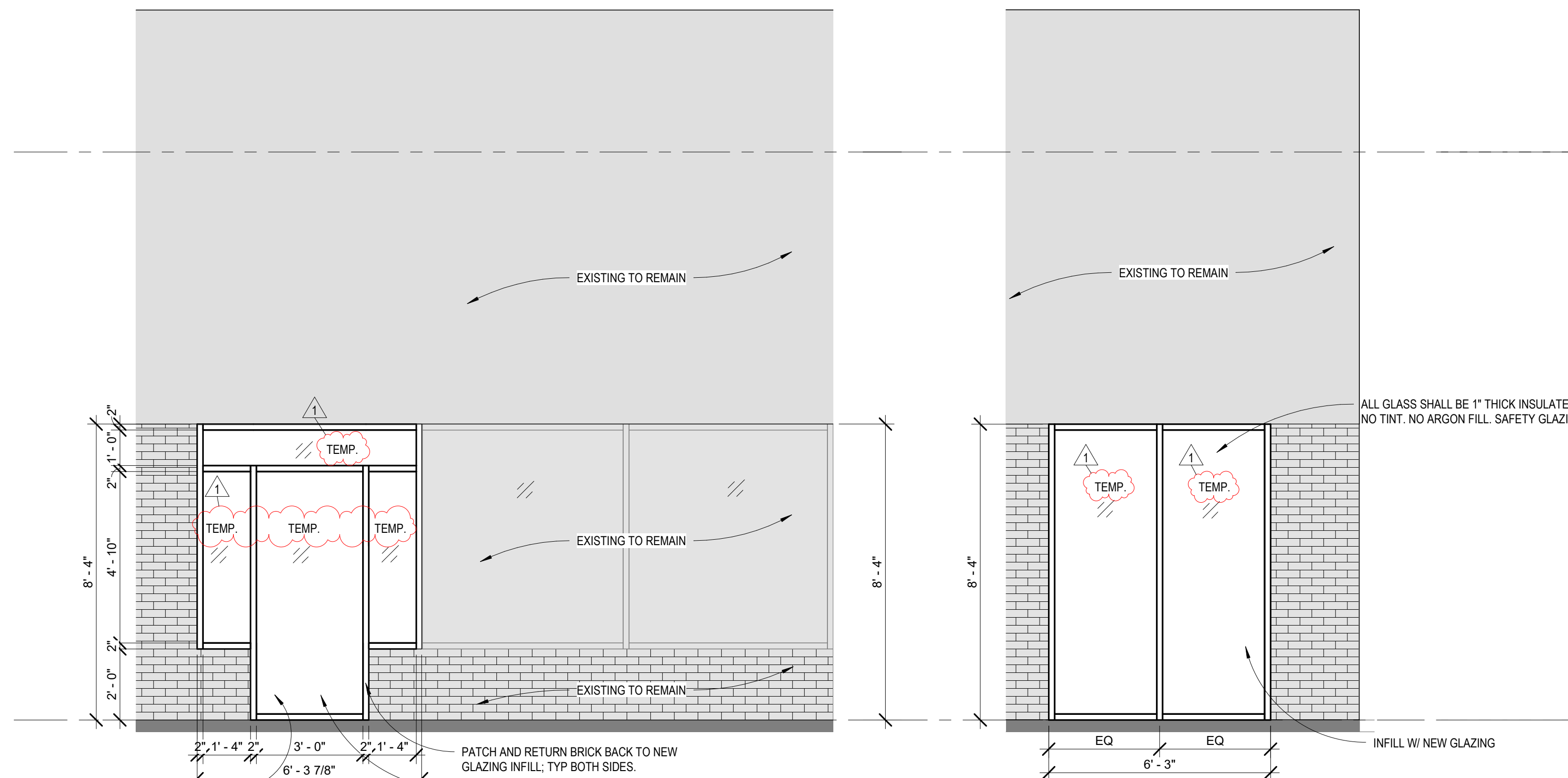
9 S62
SCALE 1 1/2" = 1'-0"



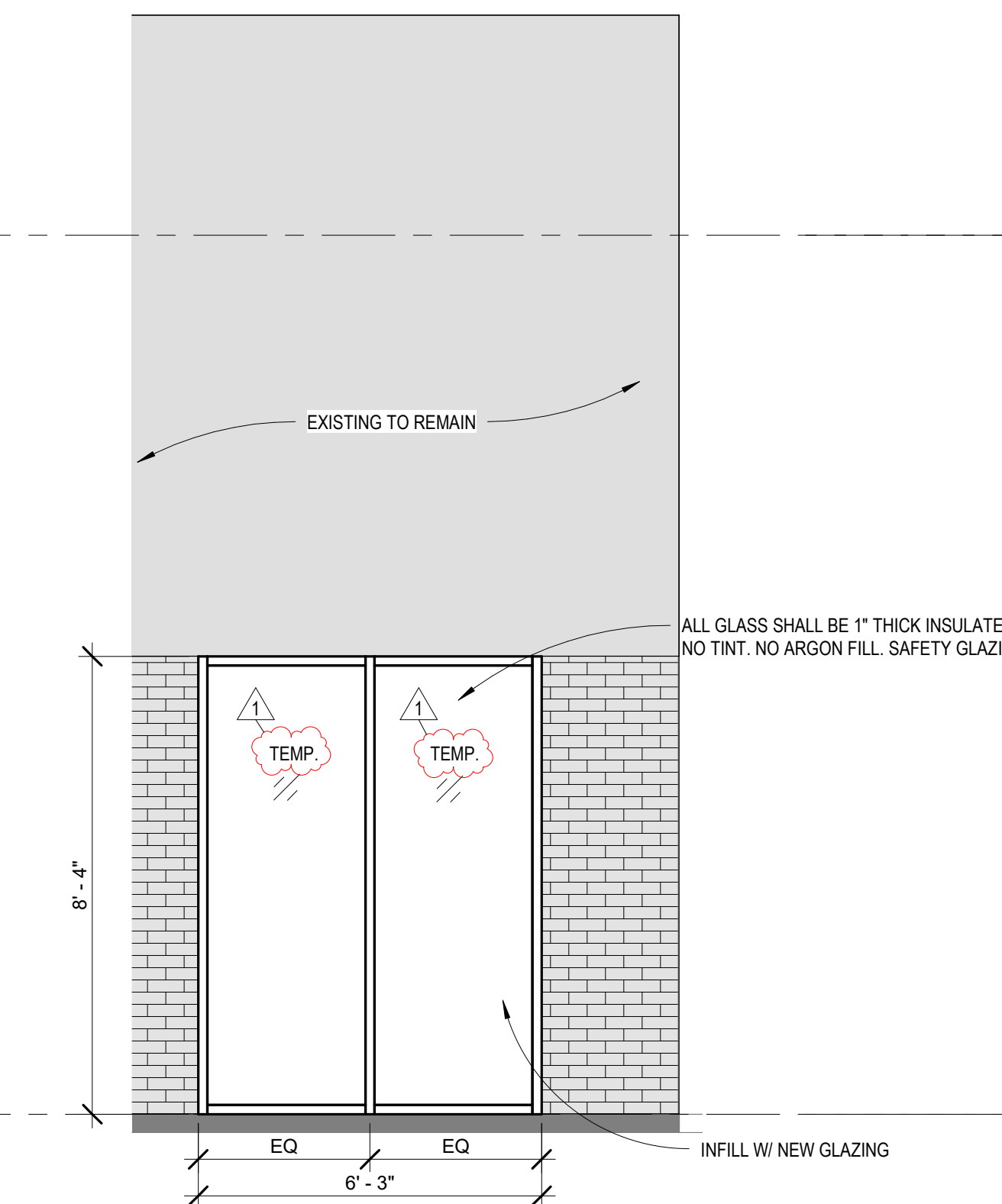
7 FRAME TYPES
SCALE 1/4" = 1'-0"



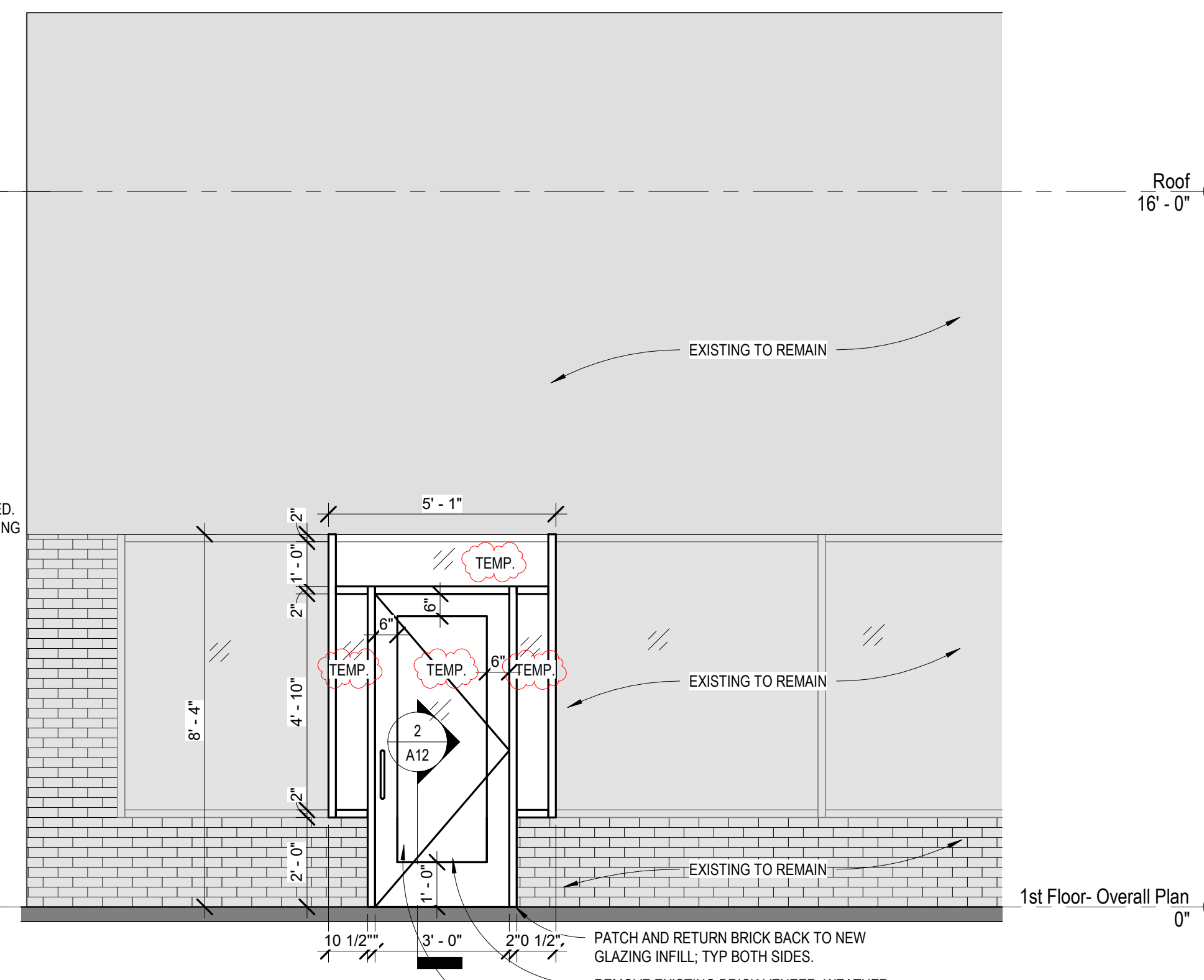
2 SECTION AT NEW STOOP
SCALE 1" = 1'-0"



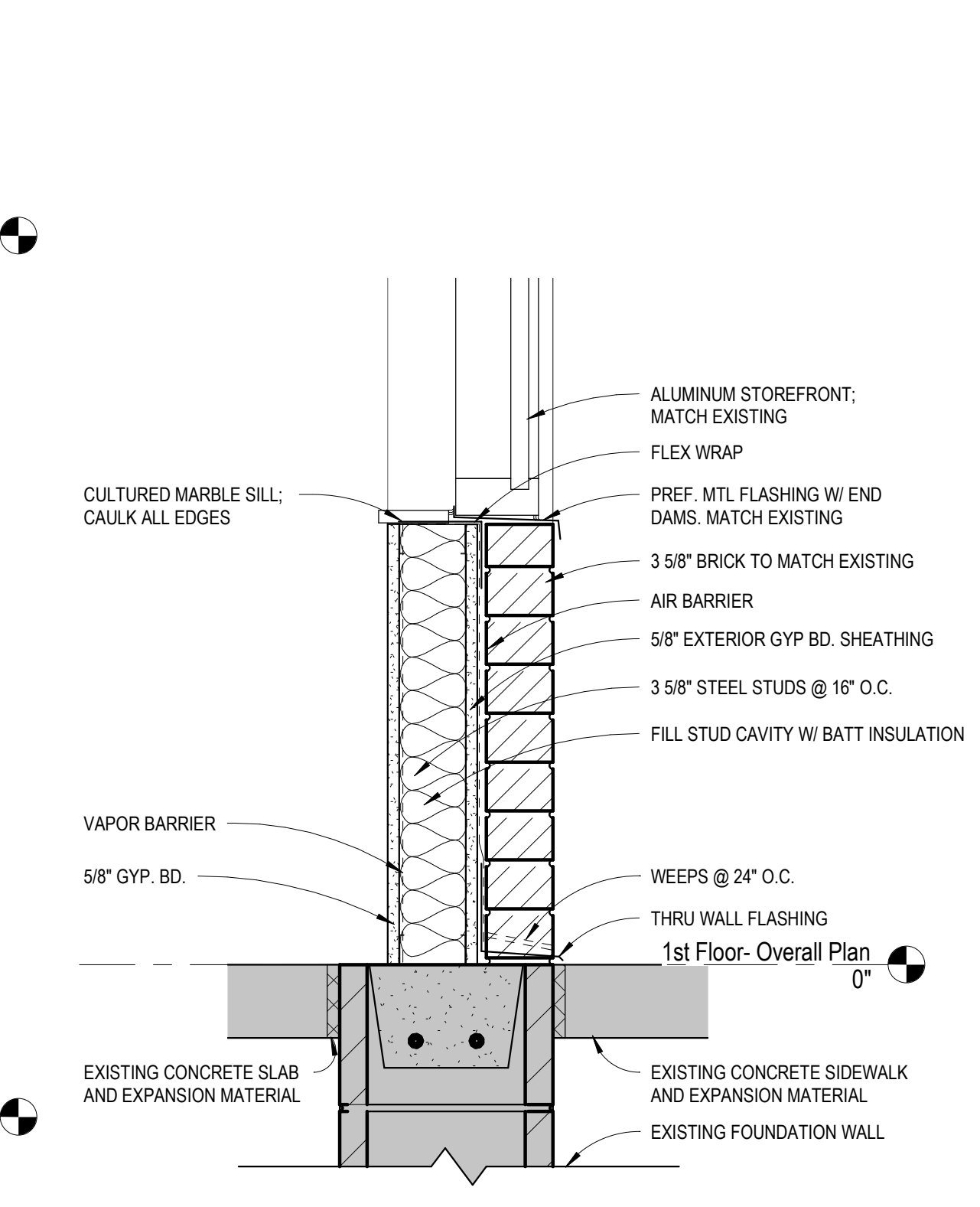
3 ELEVATION AT NEW GLAZING
SCALE 3/8" = 1'-0"



4 ELEVATION AT NEW WINDOW
SCALE 3/8" = 1'-0"



5 ELEVATION AT NEW DOOR
SCALE 3/8" = 1'-0"



6 SECTION AT NEW STOREFRONT
SCALE 1 1/2" = 1'-0"

1	AS1	09/03/20
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ALL ARCHITECTURAL AND ENGINEERING DRAWINGS ARE IN CONFORMANCE WITH THE MINNESOTA ARCHITECTURE ACT AND THE MINNESOTA ENGINEERING ACT. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY OTHER PROFESSIONALS OR CONTRACTORS. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY OTHER PROFESSIONALS OR CONTRACTORS. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY OTHER PROFESSIONALS OR CONTRACTORS.

Date	09/03/2020
Project Architect	INITIAL
Permit Submit Date	N/A
Project Number	20044
Date	09/03/2020
Project Architect	INITIAL
Permit Submit Date	N/A
Project Number	20044

DeISur Kitchen Expansion and dining area re-arrangement

In October 2020 DeISur started working on an expansion plan mainly for production purposes. Our current location is currently undersized for us to be able to achieve the production level that we will need. We looked at different locations and decided to pursue the retail space next to our current restaurant in the Glen Lake Station shopping center. The 3,000 sqft space was vacated by Sir Knight dry cleaners and we are taking over half of that space (~1,500 sqft). Logistically, this is very convenient and efficient option for us. Our goal with this expansion is to be able to support the demand of future DeISur retail stores around the Twin Cities. Our second location is set to open mid-May 2021 in the Minneapolis Prospect Park neighborhood.

The new space will be used ~80% for a prep kitchen (not a full kitchen) and 20% to re-arrange our current dining configuration by connecting the two spaces in the front, giving us the opportunity to have a community/event room to handle special gatherings for our customers and the community while keeping the number of seats the same as what we currently have. Last Summer we had the opportunity to have a temporary permit for a patio (due to dining in restrictions) and as part of this project, we would like to have a formal/permanent patio option for outdoor dining.

Practical Difficulties

Reasonable?

The shopping center is landlocked with a finite number of parking stalls. This has been the case since it was constructed in 1958. The owners recently modified & reconfigured the parking lot and some sidewalks to increase the number of onsite stalls by a count of 6.

Kraemer's shopping center (now Glen Lake Station) has operated as a shopping center with a wide range of tenants over six decades. It has been home to grocery stores, drug stores, hardware stores, bike stores and a wide variety including the current list of tenants. Since purchasing the center in late 2017 and switching out the hardware store to a brewery – parking at the center has come under great scrutiny. We could no longer allow the post office employees to park in the center while they worked – because the brewery brings in more customers than the hardware store had. We managed that situation. The brewery managed that situation.

We continue to actively manage the traffic environment with the introduction of Del Sur to the former Glen Lake Café space (a viable food truck concept looking for a brick's n mortar home). We did so again when Fitness Together joined the center. We did so when Copper Cow opened across the street and modified the traffic patterns throughout the neighborhood. Our tenants remain flexible and viable. Much a testament to their grittiness and much to our ability to make customer parking/experience a priority.

Now we simply wish to expand Del Sur into half of the vacancy left by Sir Knights Dry Cleaners. This is the success story every landlord wants, and any City should wish for. Three years ago, Del Sur took over the Glen Lake Café space. "Second generation" is what the industry calls that type space. Second generation space minimizes the investment and risk for their modified venture. They customized the space to their needs and righted (along with the landlord) many of the shortcomings they inherited.

Today Del Sur needs a more efficient kitchen. They wish to support their other retail stores from this location. They wish to have a "community/event room" to handle special occurrences of group gatherings when the City/County/State/US will allow them. They wish to legitimize and improve their outdoor dining experience. They are not increasing indoor seating. Most of their business is takeout. It was before the Covid-related shutdown and restrictions and will continue to be so in the future.

Their and our desire to expand their Premises in this fashion will have little effect on overall parking.

Alter the character of the neighborhood?

We wish to alter the character of the neighborhood. We wish to have Glen Lake Station be the epicenter of a revitalized Glen Lake. We want an energetic hub for retail and services. We wish for more energy and activity at Excelsior and Eden Prairie Road. We are well on our way to doing so. In a few short years, Del Sur has become a fixture at this corner. They now simply need to expand to remain viable.



Memorandum

SRF No. 14452.00

To: Loren Gordon, AICP, City Planner
City of Minnetonka

From: Tom Sachi, PE, Associate
Mark Powers, PE, PTOE, Senior Engineer

Date: March 11, 2021

Subject: Glen Lake Shopping Center DelSur Expansion Parking Study

Introduction

SRF has completed a parking study for the Glen Lake Shopping Center at 14725 Excelsior Boulevard in Minnetonka, MN. The main objectives of this study are to identify existing parking demand via historical aerial imagery, estimate time of day parking demands for a future potential land use scenario, determine if the existing parking supply is sufficient to meet the expected future demand, and identify potential parking opportunities, if necessary. The following sections provide the assumptions, analysis, and study conclusions offered for consideration.

Existing Parking Assessment

Historical parking survey data was collected using aerial imagery from Nearmap, from September 2017 through September 2019. Approximate timeframes were estimated based on the shadows shown in the images. Additionally, aerial imagery provided by the City of Minnetonka from four (4) days in July 2019 was also utilized to supplement the data. Based on the parking surveys, the available parking supply exceeds the existing parking demand, as shown in Table 1, and is summarized in the following:

- During the afternoon (approximately 12:00 to 2:00 p.m.), the parking demand ranges from 36 to 60 spaces, with an average peak demand of 48 spaces. The average afternoon peak demand results in a 78 space surplus.
- During the early evening (approximately 6:00 p.m.), the demand ranges between 81 and 124 spaces, with an average peak demand of 103 spaces. The average evening peak demand results in a 23 space surplus.
- The typical peak demand times of the shopping center were expected to be during the early afternoon or evening based on the existing land uses, therefore, the demand observed should represent the approximate peak parking demand for the building.

Table 1. Existing Peak Parking Demand / Supply Assessment

Collection Day	Approximate Time	Demand	Existing Supply	Surplus / (Deficit)
Tuesday, October 17, 2017	1:00 PM	40	126	+86
Wednesday, May 2, 2018	12:00 PM	50	126	+76
Friday, September 7, 2018	12:00 PM	36	126	+90
Friday, April 19, 2019	12:00 PM	46	126	+80
Thursday, July 11, 2019	12:00 PM	53	126	+73
Thursday, July 11, 2019	6:00 PM	81	126	+45
Friday, July 12, 2019	12:00 PM	53	126	+73
Tuesday, July 16, 2019	12:00 PM	53	126	+73
Thursday July 18, 2019	12:00 PM	46	126	+80
Thursday July 18, 2019	6:00 PM	124	126	+2
Thursday, August 29, 2019	4:00 PM	37	126	+89
Tuesday, September 24, 2019	12:00 PM	60	126	+66
Average 12:00-2:00 PM Demand		48	126	+78
Average 6:00 PM Demand		103	126	+23

The existing demand was also compared to the expected demand from the *ITE Parking Generation Manual, 5th Edition* to identify if the sites land uses are generating a higher or lower peak parking demand as compared to historical ITE data. The majority of the Glen Lake Shopping Center was estimated using the Shopping Center land use, however, the DelSur restaurant and Unmapped Brewery were generated individually to accurately capture their expected parking demands. There is not a direct brewery land use, however the Quality Restaurant land use provides a similar land use type to a brewery based on the description, hours, and service time of guests. Therefore, this land use was carried forward in order to estimate the parking demand via ITE. Note, there was approximately 3,200 SF of empty retail space within the shopping center during the times of the aerial imagery. The results of the expected parking demand are shown in Table 2.

Table 2. Expected Existing Parking Demand

Land Use (ITE Code)	Size	Demand by Time	
		12:00 PM	6:00 PM
Shopping Center (820)	15,300 SF	30	26
Fast Casual Restaurant (930)	2,200 SF	22	17
Quality Restaurant (931)	9,400 SF	-	70
Expected ITE Demand		52	113
Average Observed Demand		48	103
Percent of ITE Demand		92%	91%

As shown, the average existing parking demand found in the historical parking utilization surveys is approximately eight (8) to nine (9) percent lower during the afternoon and evening peak hours, respectively. These calibration rates will be used for the expected future peak demand under the proposed land use scenarios.

Proposed Restaurant Expansion

It is proposed for the DelSur restaurant to acquire an additional 1,600 SF from a neighboring vacant space within the shopping center. While it has been indicated that the number of seats within DelSur is expected to remain similar to existing even after expansion, a conservative estimate was completed assuming that the additional restaurant space would increase parking demand. Note, based on information provided by the City, it is expected that there will be approximately 5,000 SF of empty retail space within the current shopping center after the proposed DelSur expansion. It was observed that two (2) businesses closed since the time of the aerial imagery observations.

A detailed parking analysis was completed to determine the impacts of the proposed restaurant expansion. Parking generation estimates for proposed DelSur expansion were developed using the *ITE Parking Generation Manual, Fifth Edition* and are shown in Table 3. The expected parking demand was then adjusted to fit the observed average rate experienced at the site.

Table 3. Future Expected Parking Demand

Land Use (ITE Code)	Size	Demand by Time	
		12:00 PM	6:00 PM
Shopping Center (820)	13,500 SF	26	22
Fast Casual Restaurant (930)	3,800 SF	38	29
Quality Restaurant (931)	9,400 SF	-	70
Expected ITE Demand		64	121
Adjustment Factor		92%	91%
Estimated Demand		59	110
Supply		126	
Surplus/(Deficit)		+67	+16

As shown in Table 3, the current parking supply is expected to be sufficient for afternoon and evening demand, with a surplus of 67 spaces in the afternoon and 16 spaces during the early evening time period. Note that the vacant 5,000 SF of additional shopping center space is expected to have a demand of 10 spaces during the afternoon and nine (9) spaces during the evening. While the existing parking supply would still be adequate during the peak periods, this reduces the evening surplus to seven (7) spaces.

Considerations

It is expected that the proposed expansion of DelSur would not be expected to cause parking supply issues that would require mitigation. Additionally, based on the information of the restaurant's plans to not add additional seats, there is potential for no additional parking demand to occur from the restaurant expansion.

However, the supply was noted to be near capacity during one (1) warm/sunny day in July of 2019. While parking is not typically designed for the highest single peak day of the year, there should be considerations for overflow parking opportunities, should issues arise. These opportunities to meet the expected demand include public parking options and shared parking agreement options with the following:

- Public On-Street Parking along Beacon Hill Road
- Prestige Pre School Academy after 7:00 p.m. and during weekend hours
- Glen Lake Animal Hospital reserved spaces during evening and weekend hours
- Illunis and United States Post Office during evening and weekend hours

If the majority of these options were explored, potential guests would need to cross Excelsior Boulevard at the Eden Prairie Road and Williston Road traffic signals. Both crossing options provide a safe crossing for pedestrians. In addition to guests, shopping center business owners may be able to work with adjacent businesses with excess parking supply to allow employees to park in those lots. This reduces turnover in adjacent businesses lots and provides a more accurate estimate of the number of spaces that may be utilized on a day to day basis. Employees may also utilize the available on-street parking, which opens up spaces for guests within the on-site parking lot.

In addition to parking opportunities off site, businesses within the shopping center can continue to offer incentives for utilizing other modes of transportation. It has been noted that Unmapped provides discounts to guests who utilize walking, biking, transit, or Uber/Lyft. These incentives could be utilized by other businesses as a way to further reduce vehicle parking demand.

Conclusions

The following conclusions are offered for consideration:

- During the afternoon (approximately 12:00 to 2:00 p.m.), the existing parking demand ranges from 36 to 60 spaces, with an average peak demand of 48 spaces. The average afternoon peak demand results in a 78 space surplus.
- During the early evening (approximately 6:00 p.m.), the existing demand ranges between 81 and 124 spaces, with an average peak demand of 103 spaces. The average evening peak demand results in a 23 space surplus.
- The proposed development includes an 1,600 SF expansion of the DelSur restaurant from a neighboring vacant within the shopping center.
- Under the proposed development plan the current parking supply is expected be sufficient for afternoon and evening demand, with a surplus of 67 spaces in the afternoon and 16 spaces during the early evening time period.
 - Note that the vacant 5,000 SF of additional shopping center space is expected to have a demand of 10 spaces during the afternoon and nine (9) spaces during the evening. While the existing parking supply would still be adequate during both peak periods, this reduces the evening surplus to seven (7) spaces.

- Opportunities to meet any unforeseen parking supply issues include public parking options and shared parking agreement options with the following:
 - Public On-Street Parking along Beacon Hill Road
 - Prestige Pre School Academy after 7:00 p.m. and during weekend hours
 - Glen Lake Animal Hospital reserved spaces during evening and weekend hours
 - Illunis and United States Post Office during evening and weekend hours
- In addition to parking opportunities off site, businesses within the shopping center can continue to offer incentives for utilizing other modes of transportation.



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

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: March 18, 2021
Subject: Change Memo for the March 18 Planning Commission Agenda

ITEM 8B – DelSur Empanadas

The attached comments were received after publication of the packet.

ITEM 8C – Verizon Small Cell Wireless

The attached comments were received after publication of the packet.

ITEM 9A – Glen Lake Apartments

The attached comments were received after publication of the packet.

From: [Anne Malm Hossfeld](#)
To: [Loren Gordon](#)
Subject: Planning Commission, Th, Mar 18, 2021 - Del Sur expansion feedback
Date: Thursday, March 18, 2021 3:43:30 PM

Thursday, March 18, 2021

To: Loren Gordon, City Staff, Planning Commission

I would like to include these comments in the materials for tonight's Planning Commission. I'm writing with feedback and questions on the proposed expansion of the Del Sur restaurant in the Glen Lake Shopping Center. My property is directly south of Del Sur, with a shared property line, and is referenced in the staff report as the adjacent residential parcel. I've talked with Loren Gordon about some concerns and have gotten useful information on, maybe, what to expect and how to stay informed and keep communication channels open with Del Sur. Del Sur has been a good neighbor, and in general, my residence hasn't been impacted by the increased activity and popularity of the restaurant. It's a positive thing that, in these times, their business has thrived and found so much popularity that they can expand.

I would like more information, however, on how this expansion will impact the traffic along the alley in the back of the building: in particular, the new prep kitchen that will serve deliveries to new Del Sur retail stores around the Twin Cities? The proposed Conditional Use Permit and Variance address the ordinance-required distances between the different uses (commercial and residential), and how the City feels lack of the necessary distance can be mitigated, because the shopping center will be a buffer between the increased activity *at the front of the building*. But I have concerns about increased traffic along the back alley that haven't been addressed in the report.

The staff report notes that the general CUP (Conditional Use Permit) standards require a restaurant use and outdoor seating not to be within 100 feet and 200 ft, respectively, of low-density residential parcels. In both cases, the report notes that the distance of the increased activity along the front (Excelsior Blvd) side of the building is what being considered when measuring distance from the residential building on the South. But I am concerned about what the new prep kitchen will mean for traffic along the back alley of the shopping center, which is directly within sight and sound of my house without any buffers?

I would like to raise these concerns to get answers, or a communication path, on what to expect. The Del Sur restaurant has increased some traffic and activity along the back alley over past uses for that space. Occasionally, I've heard radio music coming from the back door or cars parked along the alley for an hour at a time. These things can be addressed by good-neighbor communication when they become excessive. Will delivery trucks bring more business to the back alley? Will trucks be parked, idling, at the back for long periods of time? Will there be additional truck deliveries or additional truck loading to move food prepared from the new kitchen to other locations?

I've also raised concerns to Loren how to think about, or prepare for, new noise levels from, potentially, any new rooftop units that might installed, and he has given good advice on how to think about building plans, and the functional needs of its construction, separate from the land use issues the Planning Commission deals with and to communicate with the property owner and restaurant owners as building progresses. So my main concern tonight is to raise

the issue of whether additional traffic along the back alley is expected from the expansion and new land use and how I can communicate concerns about such increased disturbances, if they occur.

Thank you for your consideration,

Anne Malm Hossfeld
14616 Glendale St
Minnetonka MN 55345

**Unapproved
Minnetonka Planning Commission
Virtual Meeting
Minutes**

March 18, 2021

B. Resolution approving a conditional use permit with parking variance for expansion of an existing restaurant at 14725 Excelsior Blvd.

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

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

Diego Montero, 5201 Woodhill Road, applicant, thanked commissioners for reviewing the application. He is excited to expand the restaurant. The expansion would allow more room in the kitchen to prep and do production. There would be no additional seating added. The patio would not impact the sidewalk or foot traffic. He looks forward to completing the improvements.

Waterman asked if there would be an increase in the number of deliveries. Mr. Montero stated that the expansion would not cause an increase in the number of deliveries. All of the deliveries go through the front. The back alley is used for loading and unloading the food truck for events and getting items from a personal vehicle. There are two food deliveries a week made by truck through the front door during non-operating hours when the restaurant is closed. The alley would be used to deliver prepared food to another location approximately three trips per week.

The public hearing was opened.

Anne Hossfeld, 14616 Glendale Street, stated that she provided the comments included in the change memo. She appreciated her questions being answered. She did not think she would be more imposed upon by the proposed expansion of the restaurant. She thanked the applicant for answering her questions regarding if there would be more deliveries. She was concerned with the potential noise. She was glad it would not be a big semi-truck that would make deliveries from the rear of the building. Three trips a week from the rear with a smaller vehicle did not sound too bad. She requested that trucks not idle for a half hour or more in the back of the restaurant. She was concerned with noise and increased activity in the rear of the building.

No additional testimony was submitted and the hearing was closed.

Mr. Montero stated that the trucks are typically not left idling. The neighbor may be hearing the generator for the refrigeration of the food in the truck. He will work to minimize that noise. He does not anticipate a huge increase in activity on the rear side of the building. He is willing to work with the neighbor to resolve any issues.

Waterman supports the proposal. It meets conditional use permit requirements. The extension makes sense. He appreciates the applicant being receptive to feedback from neighbors and making an effort to minimize noise behind the building.

Powers supports the proposal. He endorses the expansion of a small business. The expansion is natural since the business owner would be able to utilize the adjacent property. He likes the location for outdoor seating. The expansion would compliment other businesses in the area. He appreciates the neighbor's comments.

Maxwell agreed. She is excited to see a small business grow, thrive, and expand in Minnetonka. The expansion makes sense. The footprint of the building would not change. The addition of outdoor seating would benefit the neighborhood.

Banks concurred. He supports the proposal. He hopes that the applicant would minimize the noise that would be heard by the residential neighbors. The expansion would be an asset to the restaurant and businesses in the area.

Chair Sewall felt that the restaurant owner has earned the expansion by being a good neighbor and running a good business. Being able to expand a restaurant during a global pandemic is a testament to the hard work being done by the applicant. The expansion is natural. The size of the building would not be increased. He loves the outdoor seating. He supports staff's recommendation.

Maxwell moved, second by Banks, to recommend that the city council adopt the resolution approving a conditional use permit with variances for expansion of an existing restaurant with on-sale liquor at 14725 Excelsior Blvd.

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council at its meeting on April 12, 2021.

Resolution No. 2021-

Resolution approving a conditional use permit, with variances, for a restaurant expansion with on-sale intoxicating liquor and an outdoor seating area at 14725 Excelsior Boulevard

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

Section 1. Background.

1.01 DeSur is requesting a conditional use permit to allow a restaurant expansion with on-sale intoxicating liquor and an outdoor seating area within the B-2 zoning district. The request includes the following variances:

1. Parking variance from 242 to 133 spaces; and
2. Setback variance from a residential area from 200 feet to 130 feet.

1.02 The property is located at 14725 Excelsior Boulevard. It is legally described in Exhibit A.

1.03 On March 18, 2021, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.21 Subd.2 lists the following general conditional use permit standards:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;

5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety, or welfare.

2.02

City Code §300.21, Subdivision 4(i) lists the following specific standards for restaurants having an on-sale intoxicating liquor license that must be met for granting the permit:

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance.
2. Shall only be permitted when it can be demonstrated that the operation will not significantly lower the existing level of service as defined by the institute of traffic engineers on streets and intersections.
3. Shall not be located within 100 feet of any low-density residential parcel or adjacent to medium or high-density residential parcels. The city may reduce the separation requirements if the following are provided:
 - a) Landscaping and berming to shield the restaurant use;
 - b) Parking lots not located in proximity to residential uses; and
 - c) Lighting plans which are unobtrusive to surrounding uses.

2.03

City Code §300.21 Subd.4(p) lists the following specific standards that must be met for granting a conditional use permit for outdoor eating areas:

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required, and the enclosure shall not be interrupted; access shall be only through the principal building;
2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or another method of screening acceptable to the city;
3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;
5. Shall be located adjacent to an entrance to the principal use;

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;
7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and
8. Shall be located in compliance with building setback requirements.

2.04 By City Code §300.07 Subd.1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.4.

3.02 The proposal requires variances from the specific conditional use permit standards outlined in City Code §300.21, Subdivision 4(i):

1. The commercial center would not meet the parking requirements, and a variance is required. The parking variance request is reasonable, as is outlined in the following section of this resolution.
2. Based on Institute of Transportation Engineers (ITE) standards, the proposed restaurant use is not anticipated to significantly impact existing traffic volumes or levels of service.
3. The proposed restaurant would be located within 100 feet of the low-density residential parcels to the south. However, the nearest residential structure would be more than 100 feet away. Additionally, the restaurant would be screened by existing vegetation separating the shopping center and the single-family homes. The parking lot and restaurant entrance would be located on the north side of the shopping center, further separating the most intense part of the restaurant use from the single-family homes.

3.03 The proposed restaurant would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Intent of the ordinance:

- a) The intent of the ordinance as it relates to parking requirements is to ensure adequate parking is provided to meet anticipated parking demands. Based on ITE standards, the shopping center would have a much lower parking demand than city code requirements. Further, parking observations suggest that the site's actual parking demand is even less than anticipated by the ITE standards. While the city does not anticipate parking issues if issues should arise in the future, there are opportunities for shared parking agreements within the area.
 - b) The intent of the ordinance, as it relates to the location of restaurants and residential uses, is to ensure appropriate separation of uses, which are known to have different levels of activity and intensities. In this case, the outdoor seating area is located 130 feet from the shared property line. The restaurant entrance would be 200 feet from the nearest residential structure. Additionally, the restaurant is screened by existing vegetation and topography.
2. Consistency with the comprehensive guide plan: The subject property is located within the Glen Lake village center. One of the overall themes outlined in the guide plan is to "provide development and redevelopment opportunities to increase vitality, promote identity and improve livability" within village centers. The requested variances would allow for the reuse of a space previously occupied by a restaurant user. Further, the restaurant use would be compatible with existing uses in the village center.
3. There are practical difficulties in complying with the ordinance:
- a) Reasonable and Unique Circumstance:
 - 1) The requested parking variances are reasonable. Based on the center's users and ITE standards, the parking ordinance would require more stalls than needed to accommodate the anticipated parking demand. Further, parking observations suggest that the parking demands of the site are even lower than ITE standards anticipate. This is likely the result of the diversity of the center's tenants and varied hours of operation. In combination, these circumstances are unique and not common to other similarly zoned properties.
 - 2) The requested variance to reduce the required separation between the restaurant and residential uses is reasonable. Construction of the original Glen Lake Center occurred in 1958. This predates the adoption of the city's first zoning ordinance. The variance would allow a restaurant user to occupy a space previously occupied by a restaurant and

other food-related uses. The restaurant entrance and parking would be orientated away from the residential uses and would be visually separated from them by existing vegetation and topography.

- b) Character of the locality: The requested variances would not significantly impact the character of the locality. Rather, the variances would allow for the reuse of a space previously occupied by a restaurant and a use generally compatible with existing uses in the shopping center.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in general conformance with the site plan dated Oct. 30, 2020, and the seating plan dated Dec. 7, 2020.
2. This resolution must be recorded with Hennepin County.
3. The restaurant must obtain all applicable food and liquor licenses.
4. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
5. This resolution does not approve any signs. Sign permits are required.
6. The outdoor tables must not obstruct pedestrian or vehicular traffic.
7. The outdoor dining area must:
 - a) Be surrounded by an uninterrupted enclosure and must be accessible only from within the restaurant.
 - b) Be equipped with refuse containers and periodically patrolled for litter pick-up.
8. Any outdoor speakers or audio equipment must not be audible from adjacent parcels.
9. No portion of the outdoor area may be enclosed in any way for cold-weather seasonal seating unless:
 - a. The owner submits a sewer and water accessibility charge (SAC) determination.
10. Parking lot and sidewalk improvements must meet ADA requirements.

The main drive lane (eastbound) shall maintain a 13 ft. 6 in. width or larger.

11. The city council may reasonably add or revise conditions to address any future unforeseen problems.
12. Any change to the approved use that results in a significant increase in traffic or a significant change in character will require a revised conditional use permit. Specifically, if the approved use is observed to create a parking demand that exceeds the parking availability onsite, a revised conditional use permit that includes a solution to the parking issue will be required.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 12, 2021.

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 April 12, 2021.

Becky Koosman, City Clerk

EXHIBIT A

Tract I

That part of Section 33, Township 117, Range 22, described as follows: That part of the Northeast Quarter of the Northeast Quarter of said Section bounded on the North by the Excelsior Road and on the South by the Southerly line of the abandoned right-of-way of the Minneapolis & St. Paul Suburban Railroad company and on the East by the Eden Prairie Road, also sometimes known as County Road No. 4, and on the West line of the Northeast Quarter of the Northeast Quarter of said Section 33, according to United States Government Survey thereof and situate in Hennepin County, Minnesota.

Tract II

That part of Lot 21, "Glen Oak Addition", and that part of the abandoned right-of-way of the Minneapolis & St. Paul Suburban Railroad company running through the Northeast Quarter of Section 33, Township 117, Range 22, described as follows: Commencing at the Northeast corner of said Lot 21; thence Southwesterly along the Northerly line of said Lot 21 a distance of 231.25 feet; thence Southeasterly to a point on the Southerly line of said right-of-way line and the East line of said Northwest Quarter of the Northeast Quarter of said Section 33; Thence North along the East line of said Northwest Quarter of the Northeast Quarter and along the East Line of said Lot 21 to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

The above described tracts are subject to easements of record, if any and existing roads.

**City Council Agenda Item #12A
Meeting of April 12, 2021**

Brief Description

Items concerning Taco Bell at 12380 Wayzata Blvd:

- 1) Major amendment to the master development plan;
- 2) Conditional use permit, with variances; and
- 3) Site and building plan review, with variances.

Recommended Action

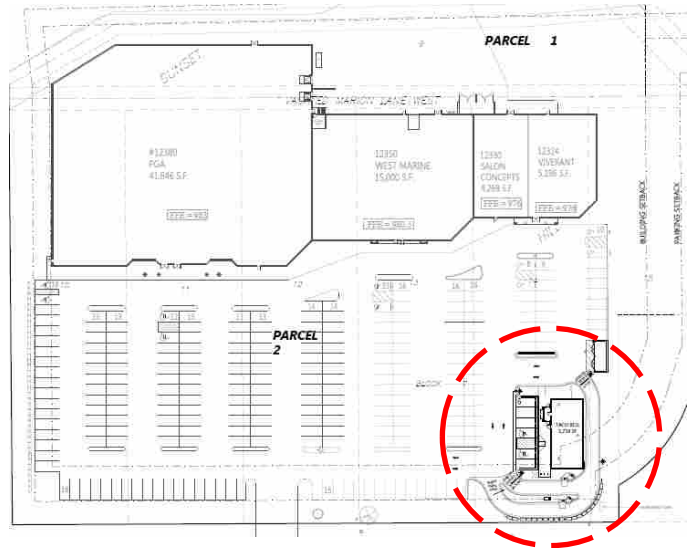
Introduce the ordinance amending the master development plan and refer it the planning commission

Background

In 1991, the council approved a master development plan and final site and building plans for developing the property at 12380 Wayzata Blvd. Called "Ridgemart," the development included a roughly 66,000 sq. ft. commercial building and an associated parking lot. Though various tenants have since occupied the building over the last 30 years, no major site changes have occurred, and the master development plan has not been amended.

Proposal

Border Foods is proposing to construct a 1,700 square-foot Taco Bell fast-food restaurant in the southeast of the corner of the site. The restaurant would not include any indoor dining area. Rather, customers would order and pick up food via a drive-thru or indoor/outdoor service counter. A small outdoor seating area would be provided on the north side of the building for customers choosing to eat their meals on-site.



The proposal requires:

- 1) **Major amendment to the existing master development plan.** Construction of an additional building on the site is considered a major amendment.
- 2) **Conditional use permit, with variances.** A conditional use permit is required for any restaurant building in Minnetonka. The proposed restaurant requires variances to conditional use permit standards related to (1) indoor seating and (2) the drive-thru. For



more information, see the “Support Information” section of this report.

- 3) **Site and building plan review, with variances.** Site and building plan is necessary for the construction of any commercial building. The building and drive lane require setback variances.

Issue Identification

The purpose of introducing an ordinance is to allow the city council to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission meeting date is April 22, 2021. Based on a preliminary review of the proposal, staff has identified the following topics for further analysis and discussion:

- **Variances.** Staff will evaluate whether the variances are reasonable, meeting the variance standard outlined in state code and city ordinance.
- **Parking and Circulation.** Staff will consider whether parking supply would generally meet anticipated parking demand and if vehicular circulation throughout the site would be appropriately maintained.
- **Building Design.** Staff will review the proposed building design for consistency with city ordinances and policies.

Staff Recommendation

Staff recommends the council do the following related to Taco Bell at 12380 Wayzata Blvd:

- 1) Introduce the ordinance amending the existing Ridgemart Master Development Plan and refer it to the planning commission.
- 2) Approve or modify the attached notification area.

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

SUPPORTING INFORMATION

Within the Planned I-394 zoning district (PID), “freestanding” restaurants are conditionally permitted uses, under the following conditions outlined in City Code 300.31 Subd.4(b)(2)(n)

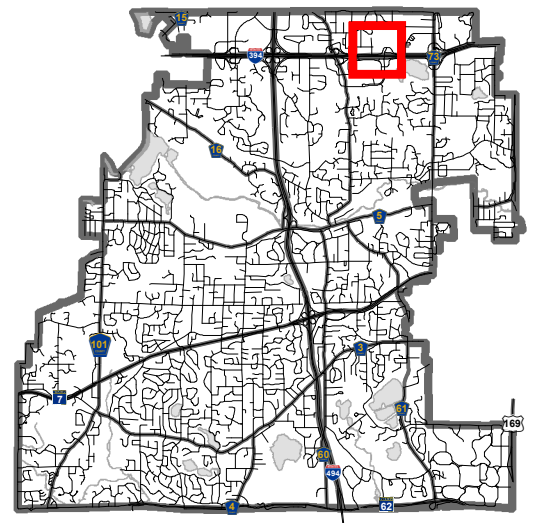
1. Shall have a minimum seating capacity of 150;
2. Shall be part of an overall master development plan consisting of more than one structure;
3. Shall be architecturally consistent and compatible with other structures in the master development plan;
4. Shall have parking in compliance with the requirements of section 300.28 of this code;
5. Shall be permitted only when it can be demonstrated that operation will not lower significantly the existing level of service as defined by the institute of traffic engineers on the roadway system;
6. Shall not include a drive-up window; and
7. Shall not be located within 100 feet of any low-density residential parcel or adjacent to medium or high-density residential parcels. The city may reduce separation requirements if the following are provided:
 - a) landscaping and berming to shield the restaurant use;
 - b) parking lots not located in proximity to residential uses; and
 - c) lighting plans which are unobtrusive to surrounding uses.

The proposal requires variances to numbers 1 and 6. A parking study will be conducted to determine if a variance to number 4 is necessary.



Location Map

Project: Taco Bell
Address: 12380 Wayzata Blvd





Perspective 1

03.05.2021



Perspective 2

03.05.2021



Perspective 3

03.05.2021



Perspective 4

03.05.2021



Perspective 5

03.05.2021

SITE IMPROVEMENT PLANS

FOR

TACO BELL MINNETONKA MINNETONKA, MN



Vicinity Map
(NOT TO SCALE)

PREPARED FOR:

BORDER FOODS, INC.

5424 BOONE AVENUE N

NEW HOPE, MN 55428

CONTACT: ZACH ZELICKSON

PHONE: (763) 489-2968

EMAIL: ZZELICKSON@BORDERFOODS.COM

PREPARED BY:

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
 Fax (952) 937-5822 Minnetonka, MN 55343
 Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

PROJECT NUMBER: R0030164.00

CONTACT: DANIEL M. PARKS

Sheet List Table	
SHEET NUMBER	SHEET TITLE
C000	COVER
C050	OVERALL CONTEXT PLAN
C100	EXISTING CONDITIONS & REMOVALS PLAN
C200	CIVIL SITE PLAN
C300	GRADING PLAN
C400	EROSION CONTROL PLAN
C500	UTILITY PLAN
C600	DETAILS
L100	LANDSCAPE PLAN

NO.	DATE	REVISION	SHEETS
	03/09/21	CUP SUBMITTAL	

SITE IMPROVEMENT PLANS

FOR

TACO BELL MINNETONKA
MINNETONKA, MN

INITIAL SUBMITTAL DATE: 03/09/21 SHEET: C000

DESIGNED:	DMP
CHECKED:	DMP
DRAWN:	TDM
DATE:	03/09/21
PROJECT:	CIP SUBMITTAL
SCALE:	HORIZONTAL SCALE: 20' VERTICAL SCALE: 1"

PREPARED FOR:
BORDER FOODS, INC.
5424 BOONE AVENUE N
NEW HOPE, MN 55428

MINNESOTA DEPT. OF TRANSPORTATION
DATE: 03/09/21 LICENSE NO. 18919

TACO BELL MINNETONKA
MINNETONKA, MN

Westwood
12701 Whitewater Drive, Suite 6000
Minnetonka, MN 55343
Phone: (828) 937-5100
Fax: (828) 937-5022
www.westwoodps.com
Westwood Professional Services, Inc.

OVERALL CONTEXT PLAN

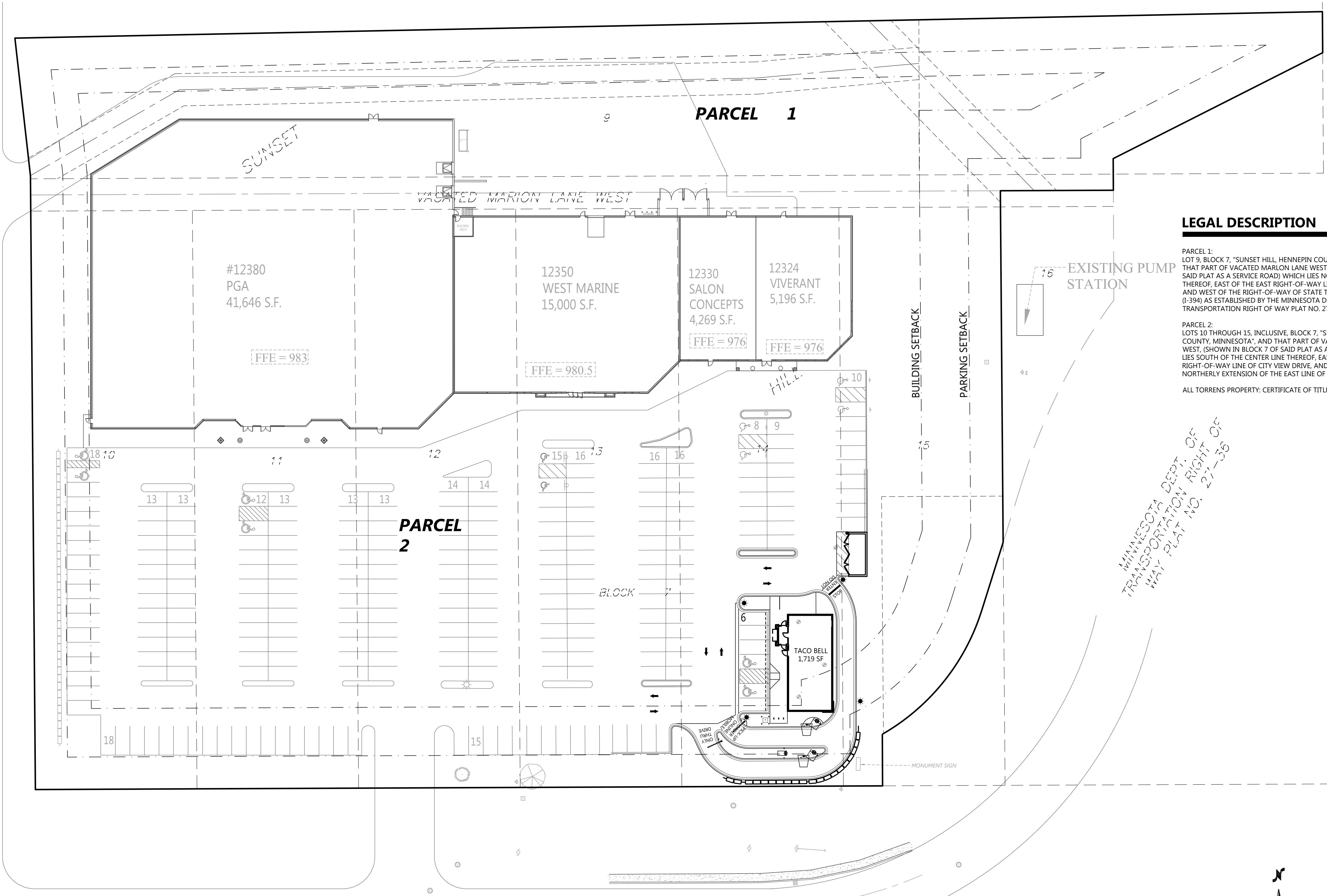
SHEET NUMBER:

C050

DATE: 03/09/21

PROJECT NUMBER: R0030164.00

CITY VIEW ROAD



LEGAL DESCRIPTION

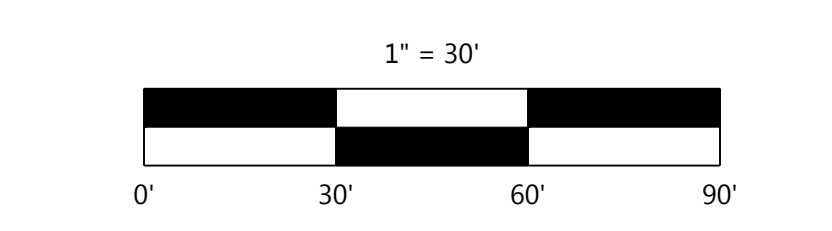
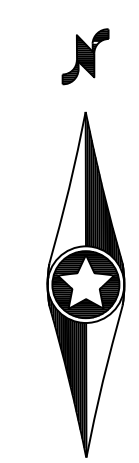
PARCEL 1:
LOT 9, BLOCK 7, "SUNSET HILL, HENNEPIN COUNTY, MINNESOTA", AND THAT PART OF VACATED MARLON LANE WEST, (SHOWN IN BLOCK 7 OF SAID PLAT AS A SERVICE ROAD) WHICH LIES NORTH OF THE CENTER LINE THEREOF, EAST OF THE EAST RIGHT-OF-WAY LINE OF CITY VIEW DRIVE, AND WEST OF THE RIGHT-OF-WAY OF STATE TRUNK HIGHWAY NO. 12 (I-394) AS ESTABLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLAT NO. 27-36.

PARCEL 2:
LOTS 10 THROUGH 15, INCLUSIVE, BLOCK 7, "SUNSET HILL, HENNEPIN COUNTY, MINNESOTA", AND THAT PART OF VACATED MARLON LANE WEST, (SHOWN IN BLOCK 7 OF SAID PLAT AS A SERVICE ROAD) WHICH LIES SOUTH OF THE CENTER LINE THEREOF, EAST OF THE EAST RIGHT-OF-WAY LINE OF CITY VIEW DRIVE, AND WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 15.

ALL TORRENS PROPERTY: CERTIFICATE OF TITLE NO. 7933887.

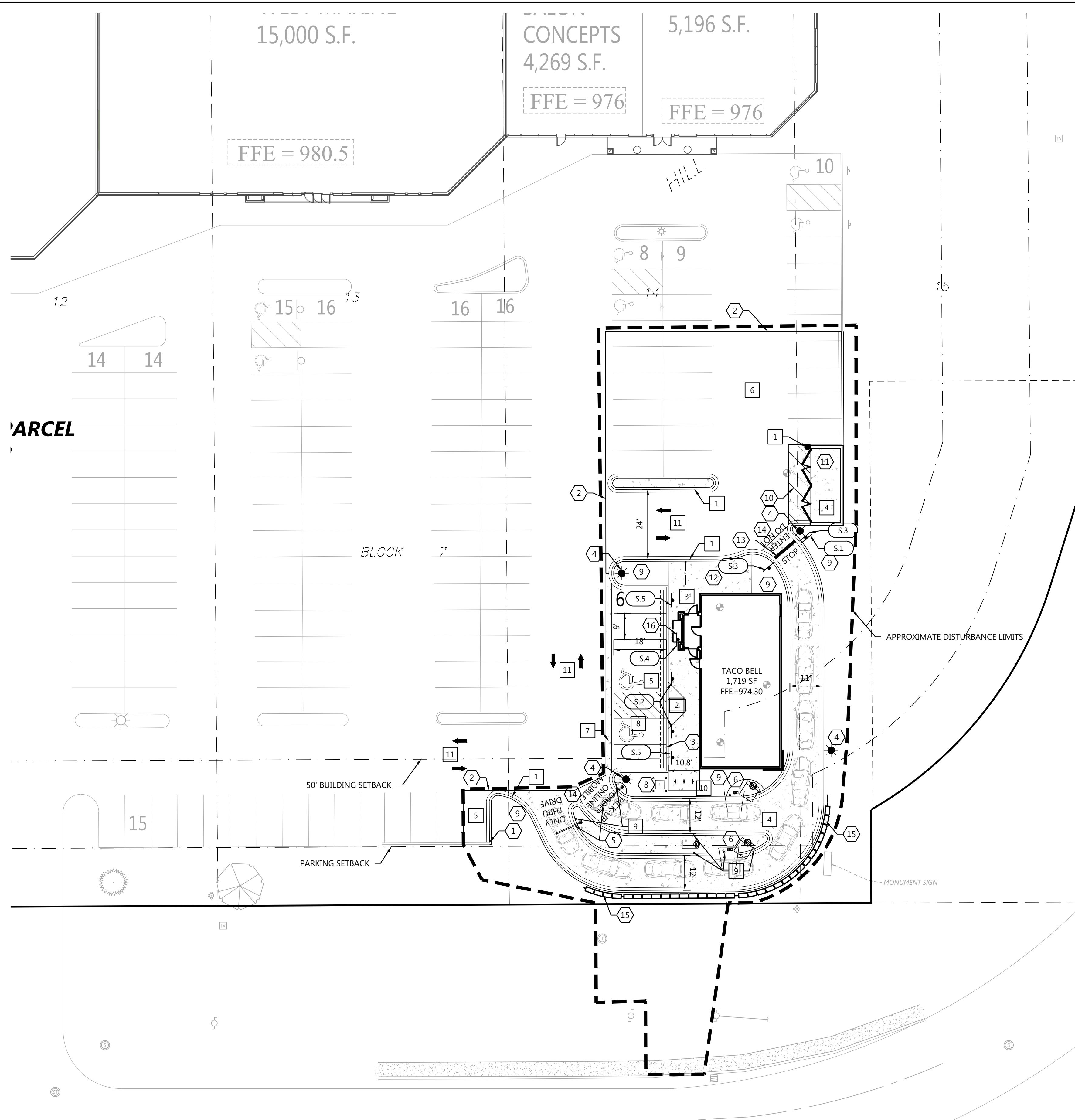
MINNESOTA DEPT. OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 27-36

WAYZATA BLVD. (U.S. HIGHWAY NO. 12)
MINNESOTA DEPT. OF TRANSPORTATION RIGHT OF WAY PLAT NO. 27-36



NOT FOR CONSTRUCTION

TACO BELL MINNETONKA



WAYZATA BLVD. (U.S. HIGHWAY NO. 12)
MINNESOTA DEPT. OF TRANSPORTATION RIGHT OF WAY PLAT NO. 27-36

SITE LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	LOT LINE
---	---	SETBACK LINE
---	---	EASEMENT LINE
---	---	CURB AND GUTTER
---	---	TIP-OUT CURB AND GUTTER
---	---	POND NORMAL WATER LEVEL
---	---	RETAINING WALL
---	---	FENCE
---	---	CONCRETE PAVEMENT
---	---	CONCRETE SIDEWALK
---	---	HEAVY DUTY BITUMINOUS PAVEMENT
---	---	NORMAL DUTY BITUMINOUS PAVEMENT
---	---	NUMBER OF PARKING STALLS
---	---	TRANSFORMER
---	---	SITE LIGHTING
---	---	TRAFFIC SIGN
---	---	POWER POLE
---	---	BOLLARD / POST

1 SITE DETAILS

- 1 B612 CURB AND GUTTER
- 2 PRIVATE PEDESTRIAN CURB RAMP
- 3 STANDARD DUTY CONCRETE (SEE GEOTECH. FOR PAVEMENT SECTION & ARCH. FOR SCORING)
- 4 HEAVY DUTY CONCRETE (SEE GEOTECH.)
- 5 STANDARD DUTY BITUMINOUS PAVEMENT
- 6 HEAVY DUTY BITUMINOUS PAVEMENT
- 7 CONCRETE VALLEY GUTTER
- 8 HANDICAP ACCESSIBLE SIGNAGE AND STRIPING
- 9 BOLLARD
- 10 BIKE RACK
- 11 PAVEMENT ARROW

GENERAL SITE NOTES

1. BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY WESTWOOD PROFESSIONAL SERVICES, 02/18/21.
2. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
3. REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
4. ALL DIMENSIONS ARE TO FACE OF CURB OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
5. REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF EXITS, RAMPS, AND TRUCK DOCKS.
6. ALL CURB RADII ARE SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
7. ALL CURB AND GUTTER SHALL BE **B612** UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
9. BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
10. CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
11. SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS.
12. VARIANCE REQUESTED FOR PARKING AND BUILDING SETBACK AND FOR OUTDOOR SEATING.

1 SITE NOTES

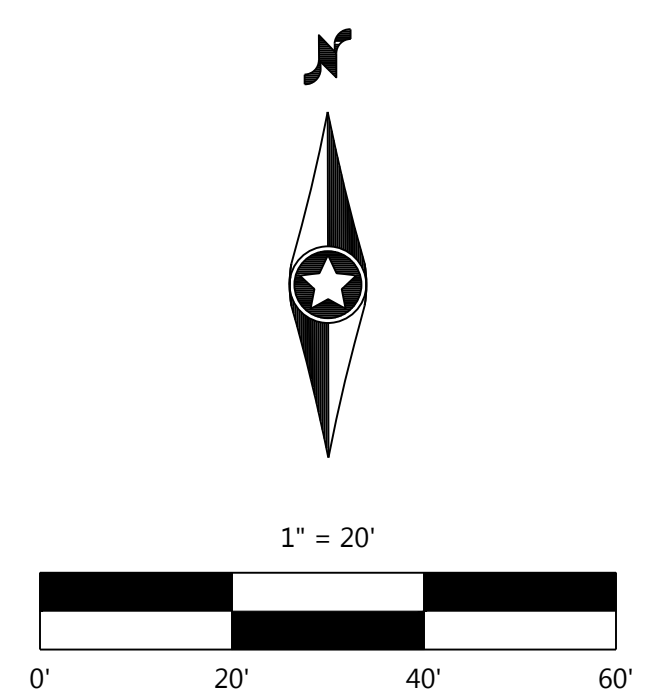
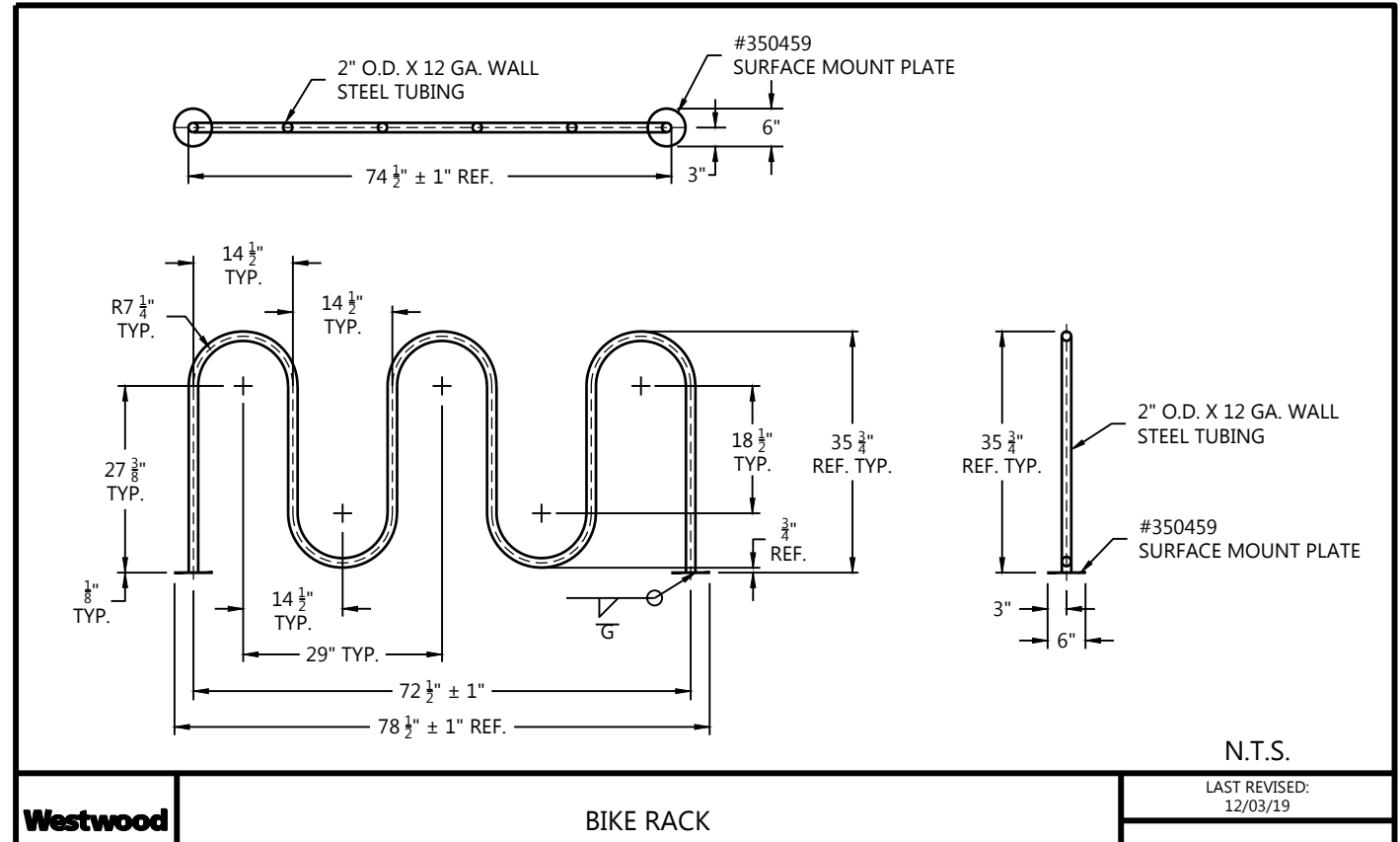
- 1 MATCH EXISTING CURB AND GUTTER
- 2 MATCH EXISTING BITUMINOUS PAVEMENT WITH SAWCUT
- 3 B612 TIP-OUT CURB AND GUTTER
- 4 LIGHT POLE (SEE LIGHTING PLAN)
- 5 OVERHEAD CLEARANCE BAR AND CONCRETE BASE (SEE ARCH.)
- 6 MENU BOARD AND ORDERING STATION (SEE ARCH.)
- 7 MONUMENT SIGN (SEE ARCH.)
- 8 TRANSFORMER PAD
- 9 LANDSCAPE AREA
- 10 YELLOW DIAGONAL STRIPING
- 11 TRASH ENCLOSURE
- 12 PATIO
- 13 PAINT 24" WIDE SOLID STRIPE
- 14 PAINT 24" HIGH LETTERS
- 15 MODULAR BLOCK RETAINING WALL (SEE STRUCT.)
- 16 SIGN AFFIXED TO BUILDING FACE

SITE DEVELOPMENT SUMMARY

• PROPOSED ZONING:	PID, PLANNED I-394 DISTRICT
• PARCEL DESCRIPTION:	SEE LEGAL DESCRIPTION
• OVERALL PROPERTY AREA:	6.82 AC
• PROJECT DISTURBED AREA:	19,045 SF (0.44 AC)
• PERVIOUS SURFACE:	4,198 SF (22.0%)
• IMPERVIOUS SURFACE:	14,847 SF
• BUILDING GROSS SIZE:	1,719 SF
• BUILDING SETBACK PER CODE:	50'
• PARKING SETBACK:	20'
• PARKING SPACE/DRIVE AISLE:	9' WIDE X 18' LONG, 24' AISLE
• OVERALL EXISTING SITE PARKING:	285 STALLS
• EX. PARKING STALLS TO BE REMOVED:	-39 STALLS
• PROP. PARKING STALLS TO BE ADDED:	+6 STALLS
• OVERALL PROPOSED SITE PARKING:	252 STALLS
• VEHICLE STACKING CAPACITY:	12 STACKS

S1 SIGN LEGEND *ALL SIGNS TO BE MOUNTED ON BOLLARDS (SEE DETAIL)

REFERENCE	SIZE	MNDOT DESIGNATION
S.1 STOP SIGN	30"X30"	R1-1
S.2 HANDICAP PARKING	12"X18"	R7-8M
S.3 DO NOT ENTER	30"X30"	R5-1
S.4 GRUBHUB SIGN	SEE ARCH.	N/A
S.5 CUSTOMER PICKUP SIGN	24"X24"	N/A



Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

DESIGNED:	
CHECKED:	
DRAWN:	
HORIZONTAL SCALE:	
VERTICAL SCALE:	

PREPARED FOR:
BORDER FOODS, INC.
5424 BOONE AVENUE N
NEW HOPE, MN 55428

DESIGNED BY:
DANIEL W. PARKS
DATE: 03/09/21
LICENSE NO.: 18919

TACO BELL MINNETONKA
MINNETONKA, MN

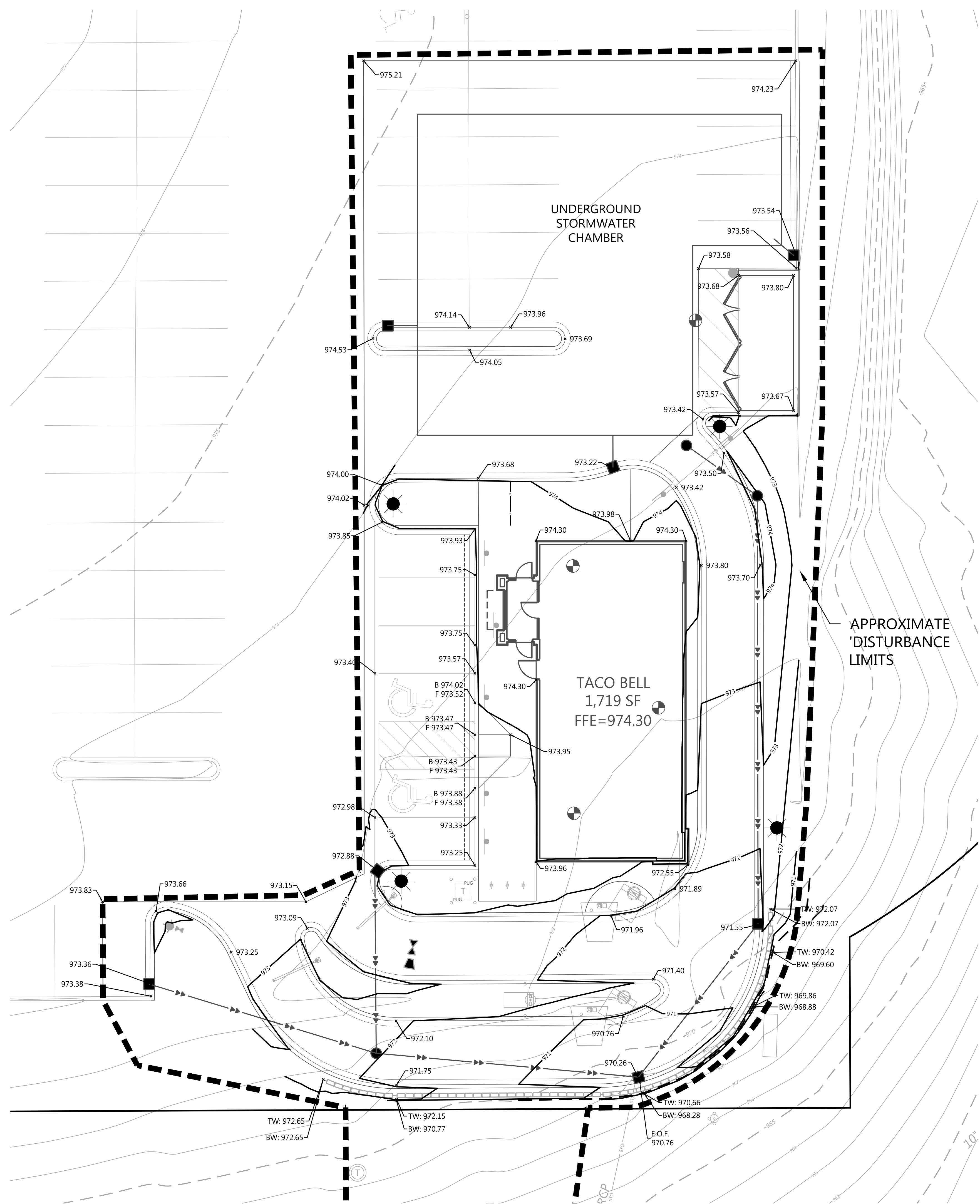
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Westwood Professional Services, Inc.

CIVIL SITE PLAN

SHEET NUMBER:

C200

DATE: 03/09/21



GRADING LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		INDEX CONTOUR
		INTERVAL CONTOUR
		CURB AND GUTTER
		POND NORMAL WATER LEVEL
		STORM SEWER
		FLARED END SECTION (WITH RIPRAP) WATER MAIN
		SANITARY SEWER
		RETAINING WALL
		DRAIN TILE
		RIDGE LINE
		GRADING LIMITS
		SPOT ELEVATION
		FLOW DIRECTION
		TOP AND BOTTOM OF RETAINING WALL
		EMERGENCY OVERTOPPING
		SOIL BORING LOCATION

GRADING NOTES

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
- CONTRACTORS SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVEMENT, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND EXACT LOCATIONS AND NUMBER OF DOWNSPOUTS.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
- ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL AND SOD OR SEED. THESE AREAS SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED. SEE LANDSCAPE PLAN FOR PLANTING AND TURF ESTABLISHMENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
- ALL SLOPES SHALL BE GRADED TO 3:1 OR FLATTER, UNLESS OTHERWISE INDICATED ON THIS SHEET.
- CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED PAVEMENT ELEVATIONS & GUTTER FLOW LINE UNLESS OTHERWISE NOTED. PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE.
- SEE SOILS REPORT FOR PAVEMENT THICKNESSES AND HOLD DOWNS.
- CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL THAT EXISTS AFTER THE SITE GRADING AND UTILITY CONSTRUCTION IS COMPLETED. THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL MATERIAL IN A MANNER ACCEPTABLE TO THE OWNER AND THE REGULATING AGENCIES.
- CONTRACTOR SHALL PROVIDE A STRUCTURAL RETAINING WALL DESIGN CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER.
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE AND FEDERAL RULES INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
- PRIOR TO PLACEMENT OF ANY STRUCTURE OR PAVEMENT, A PROOF ROLL, AT MINIMUM, WILL BE REQUIRED ON THE SUBGRADE. PROOF ROLLING SHALL BE ACCOMPLISHED BY MAKING MINIMUM OF 2 COMPLETE PASSES WITH FULLY LOADED TANDEM-AXLE DUMP TRUCK OR APPROVED EQUAL, IN EACH OF 2 PERPENDICULAR DIRECTIONS WHILE UNDER SUPERVISION AND DIRECTION OF THE INDEPENDENT TESTING LABORATORY. AREAS OF FAILURE SHALL BE EXCAVATED AND RE-COMPACTED AS SPECIFIED HEREIN.
- EMBANKMENT MATERIAL PLACED BENEATH BUILDINGS AND STREET OR PARKING AREAS SHALL BE COMPACTED IN ACCORDANCE WITH THE SPECIFIED DENSITY METHOD AS OUTLINED IN MNDOT 2105.3F1 AND THE REQUIREMENTS OF THE GEOTECHNICAL ENGINEER.
- EMBANKMENT MATERIAL NOT PLACED IN THE BUILDING PAD, STREETS OR PARKING AREA, SHALL BE COMPACTED IN ACCORDANCE WITH REQUIREMENTS OF THE ORDINARY COMPACTION METHOD AS OUTLINED IN MNDOT 2105.3F2.
- ALL SOILS AND MATERIALS TESTING SHALL BE COMPLETED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. EXCAVATION FOR THE PURPOSE OF REMOVING UNSTABLE OR UNSUITABLE SOILS SHALL BE COMPLETED AS REQUIRED BY THE GEOTECHNICAL ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOILS TESTS AND INSPECTIONS WITH THE GEOTECHNICAL ENGINEER.

DESIGNED:	03/09/21
CHECKED:	
DRAWN:	CLIP SUBMITTAL
HORIZONTAL SCALE:	
VERTICAL SCALE:	

PREPARED FOR:
BORDER FOODS, INC.
5424 BOONE AVENUE N
NEW HOPE, MN 55428

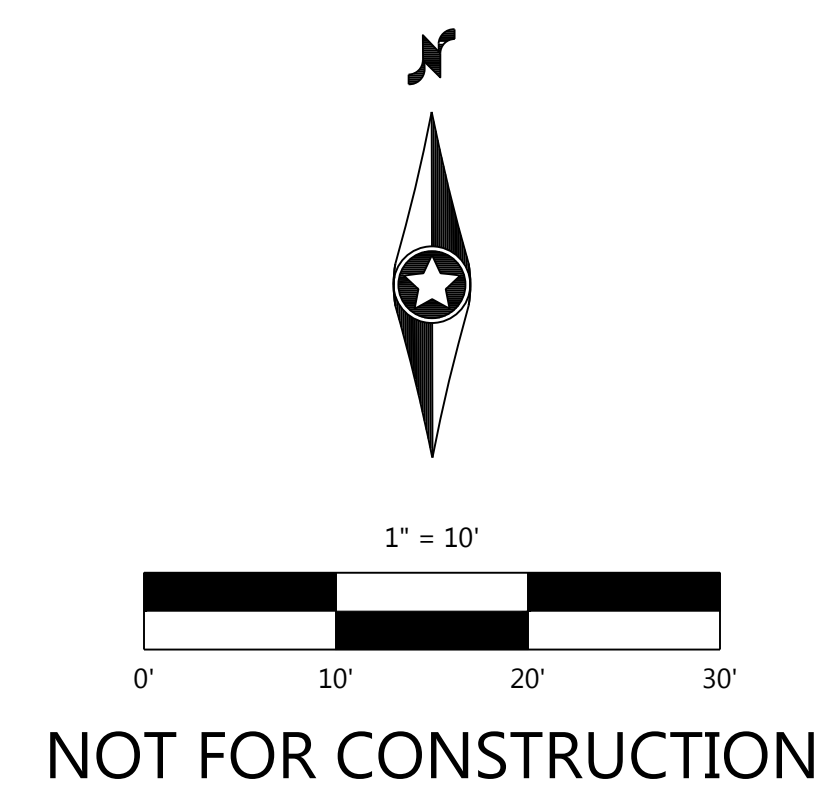
DESIGNED BY: DANIEL W. PARKS
DATE: 03/09/21
LICENSE NO.: 18919

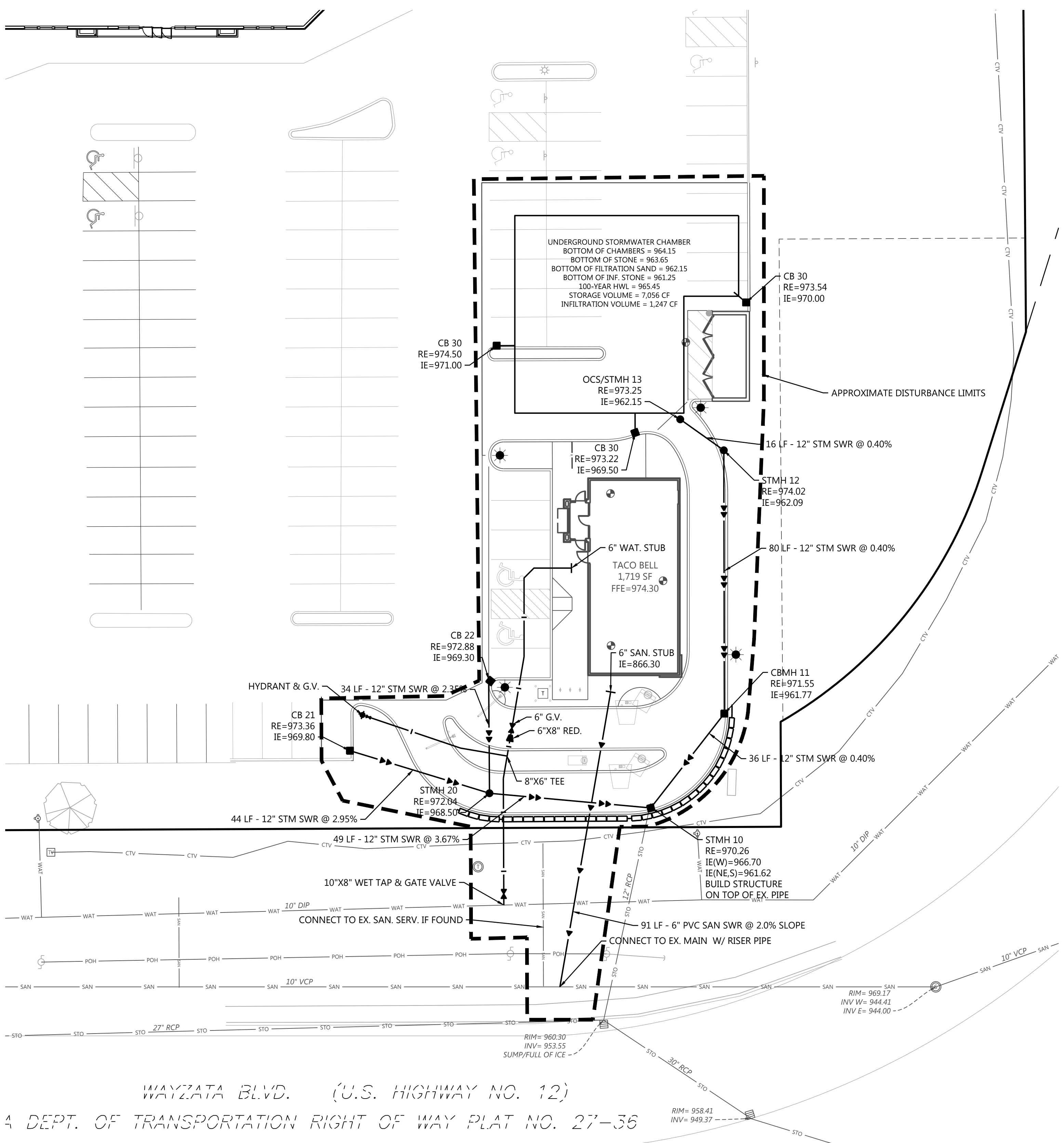
TACO BELL
MINNETONKA
MINNETONKA, MN

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GRADING PLAN
SHEET NUMBER:
C300

DATE: 03/09/21
PROJECT NUMBER: R0030164.00

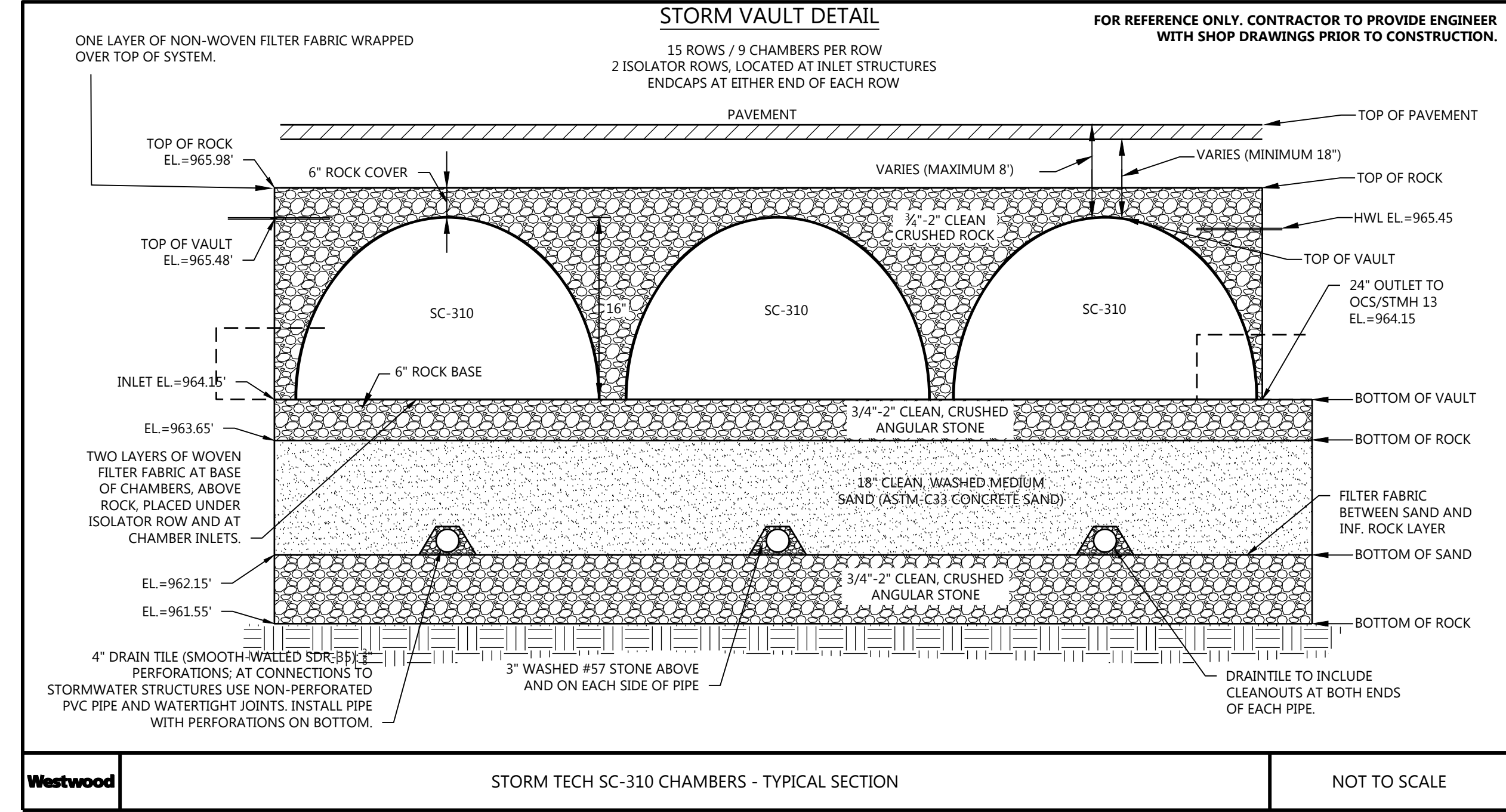




WAYZATA BLVD. (U.S. HIGHWAY NO. 12)
A DEPT. OF TRANSPORTATION RIGHT OF WAY PLAT NO. 27-36

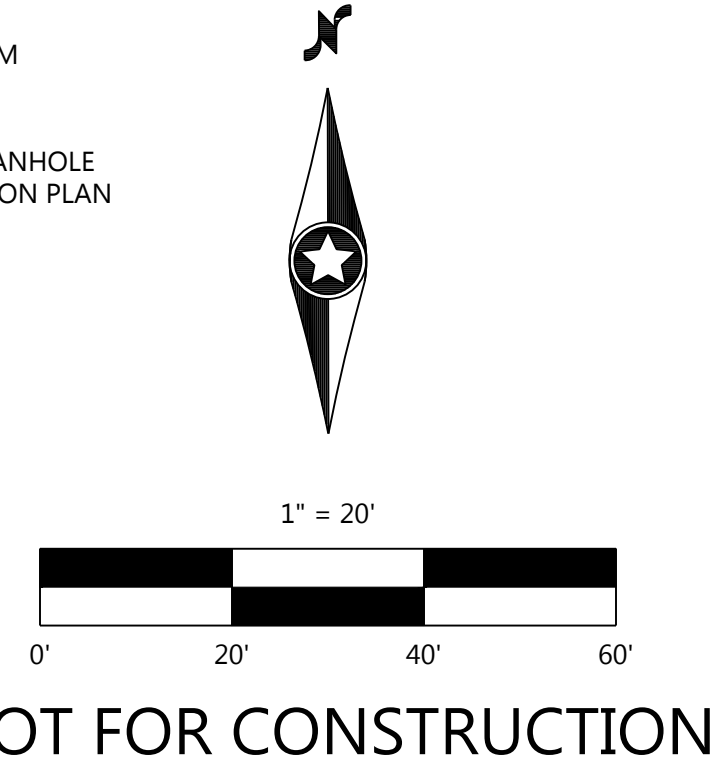
UTILITY LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	CURB AND GUTTER
---	---	SANITARY SEWER
---	---	STORM SEWER
---	---	WATER MAIN
---	---	HYDRANT
---	---	GAS
---	---	UNDERGROUND ELECTRIC
---	---	OVERHEAD ELECTRIC
---	---	UNDERGROUND TELEPHONE
---	---	OVERHEAD TELEPHONE
---	---	TELEPHONE FIBER OPTIC
---	---	CABLE TELEVISION
---	---	DRAIN TILE
---	---	GATE VALVE
---	---	LIGHT POLE



GENERAL UTILITY NOTES

- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND LIMITED MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION SHALL NOT BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE OWNER OR ENGINEER OF DISCREPANCIES.
- ALL SANITARY SEWER, STORM SEWER AND WATER MAIN MATERIAL AND INSTALLATIONS SHALL BE PER CITY REQUIREMENTS, MINNESOTA PLUMBING CODE, AND IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN THE NECESSARY FEDERAL, STATE AND LOCAL PERMITS FOR THE PROPOSED WORK OR VERIFY WITH THE OWNER OR ENGINEER THAT PERMITS HAVE BEEN OBTAINED. PERMIT FEES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR UNLESS OTHERWISE ARRANGED WITH THE OWNER.
- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF DOORWAYS, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY CONNECTION LOCATIONS.
- ALL PRIVATE UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE APPROPRIATE UTILITY COMPANY. THE CONTRACTOR SHALL COORDINATE THE SERVICE LINE CONSTRUCTION WITH THE UTILITY COMPANIES.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY CITY PERMITS FOR UTILITY CONNECTIONS, AND UTILITIES SHALL BE INSPECTED AND APPROVED BY THE CITY. THE CITY SHALL BE NOTIFIED 48-HOURS PRIOR TO COMMENCING WITH THE UTILITY CONSTRUCTION OR ANY REQUIRED TESTING. CONTRACTOR SHALL NOT OPERATE, INTERFERE WITH, CONNECT ANY PIPE OR HOSE TO, OR TAP ANY WATER MAIN BELONGING TO THE CITY UNLESS DULY AUTHORIZED TO DO SO BY THE CITY. ANY ADVERSE CONSEQUENCES OF SCHEDULED OR UNSCHEDULED DISRUPTIONS OF SERVICE TO THE PUBLIC ARE TO BE THE RESPONSIBILITY OF THE CONTRACTOR.
- WATER MAIN LENGTHS AS SHOWN ARE APPROXIMATE HORIZONTAL LENGTHS. ALLOW FOR ADDITIONAL PIPE WHEN INSTALLING ON SLOPES OR WHEN DEFLECTIONS ARE REQUIRED. THE JOINT DEFLECTIONS SHALL NOT EXCEED THE MAXIMUM RECOMMENDED BY THE PIPE MANUFACTURER OR BY LOCAL GOVERNING SPECIFICATIONS. FITTINGS REQUIRED TO CONSTRUCT WATER MAIN SHALL BE INCLUDED IN WATER MAIN CONSTRUCTION.
- PROVIDE WATER MAIN THRUST RESTRAINTS PER CITY STANDARD REQUIREMENTS.
- A MINIMUM VERTICAL SEPARATION OF 18 INCHES IS REQUIRED AT ALL WATER LINE CROSSINGS WITH SANITARY SEWER OR STORM SEWER. THE WATER LINE SHALL NOT HAVE JOINTS OR CONNECTION WITHIN 10-FEET OF THE CROSSING. INSULATE CROSSINGS WITH STORM SEWER.
- UTILITY SERVICES TYPICALLY TERMINATE 5' OUTSIDE BUILDING WALL UNLESS OTHERWISE SHOWN OR NOTED.
- DUCTILE IRON WATER LINES SHALL BE CLASS 52, PER AWWA C115 OR C151. COPPER WATER LINES SHALL BE TYPE K PER ASTM B88. PVC WATER LINES SHALL BE PER AWWA C900 AND INSTALLED PER AWWA C605 IF ALLOWED BY CITY.
- ALL WATER LINES SHALL HAVE <7.5' OR 8'> MINIMUM COVER. INSULATE WATER MAIN IF LESS THAN 8' OF COVER. INSULATION SHALL BE DOW STYROFOAM HI BRAND 35 OR EQUIVALENT, WITH 4 INCHES OF THICKNESS.
- SANITARY SEWER PIPE OUTSIDE THE BUILDING ENVELOPE SHALL BE POLYVINYL CHLORIDE (PVC) SDR 35 OR 26. SDR 26 IS REQUIRED FOR DEPTHS GREATER THAN 15 FEET. SANITARY SEWER PIPE WITHIN 5 FEET OF THE BUILDING AND UNDER FOOTINGS SHALL BE SCHEDULE 40 PER ASTM D2665. ALL PLASTIC SANITARY SEWER SHALL BE INSTALLED PER D2321. SOLVENT WELD JOINTS MUST INCLUDE USE OF A PRIMER WHICH IS OF A CONTRASTING COLOR TO THE PIPE AND CEMENT. ALL SANITARY SEWER SHALL BE TESTED ACCORDING TO MINNESOTA PLUMBING CODE, PART 712.0.
- STORM SEWER PIPE:
 - RCP AND HDPE PIPE MAY BE INSTALLED WITH APPROVAL OF LOCAL GOVERNING AGENCY.
 - REINFORCED CONCRETE PIPE SHALL BE CLASS 5 FOR PIPE DIAMETERS 18" AND SMALLER, CLASS 3 FOR PIPE DIAMETERS 21" AND LARGER UNLESS OTHERWISE NOTED, PER ASTM C76 WITH R-4 GASKETS.
 - HDPE STORM PIPE 4- TO 10-INCHES IN DIAMETER SHALL MEET REQUIREMENTS OF AASHTO M252. HDPE STORM PIPE 12- TO 60-INCHES IN DIAMETER SHALL MEET REQUIREMENTS OF ASTM F2306. FITTINGS SHALL BE PER ASTM D3212 AND INSTALLED PER ASTM D2321.
 - PVC STORM SEWER PIPE AND FITTINGS SHALL BE SCHEDULE 40 PIPE PER ASTM D2665 AND INSTALLED PER ASTM D2321.
 - CORRUGATED METAL PIPE (CMP) FOR SIZES 18- TO 120-INCH AND MUST MEET ASTM A760 OR ASTM A796 AND BE INSTALLED PER ASTM A798. CMP MAY NOT BE INSTALLED WITHIN 10-FEET OF A WATERMAIN, WATER SERVICE, OR A BUILDING.
 - ALL STORM SEWER JOINTS AND STRUCTURE CONNECTIONS SHALL BE GASTIGHT OR WATERTIGHT AS REQUIRED BY MINNESOTA PLUMBING CODE, PART 707.3. STORM SEWER LOCATED WITHIN 10-FEET OF A BUILDING AND/OR WATER LINE SHALL BE TESTED PER MINNESOTA PLUMBING CODE, PART 712.
- ALL NONCONDUCTIVE PIPE SHALL BE INSTALLED WITH A LOCATE (TRACER) WIRE PER MINNESOTA RULES, PART 7560.0150.
- POST INDICATOR VALVES SHALL BE CLOW F-5750 (OR EQUIVALENT) MEETING AWWA STANDARD C509 AND CITY STANDARDS. VALVE TO BE MECHANICAL JOINT RESILIENT WEDGE GATE VALVE. POST TO BE ADJUSTABLE FOR 8 FEET WATER MAIN DEPTH. THE ELECTRICAL ALARM SWITCH SHALL BE PART NO. PCV52 (OR EQUIVALENT).
- AFTER CONSTRUCTION IS COMPLETED, THE CONTRACTOR SHALL PROVIDE THE OWNER WITH AN AS-BUILT RECORD OF UTILITY CONSTRUCTION. THE AS-BUILT SHALL INCLUDE LOCATION AND LENGTH DEVIATIONS OR CHANGES TO THE PLAN. CONTRACTOR TO VERIFY WITH OWNER OR ENGINEER WHETHER A PLAN WITH POST-CONSTRUCTION ELEVATIONS IS REQUIRED.
- ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.
- ALL CATCH BASIN CASTINGS IN CURB SHALL BE SUMPED 0.15 FEET AND MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.



DESIGNED:	DMP
CHECKED:	DMP
REVISIONS:	03/09/21
DATE:	03/09/21
DRAWN:	TDM
CHECKED:	TDM
DATE:	03/09/21
PROJECT:	TACO BELL MINNETONKA
SCALE:	HORIZONTAL SCALE: 20'
	VERTICAL SCALE:

PREPARED FOR:
BORDER FOODS, INC.
5424 BOONE AVENUE N
NEW HOPE, MN 55428

DESIGNED BY:
DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
DANIEL W. PARKS
DATE: 03/09/21 LICENSE NO. 18919

TACO BELL MINNETONKA
MINNETONKA, MN

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Westwood Professional Services, Inc.

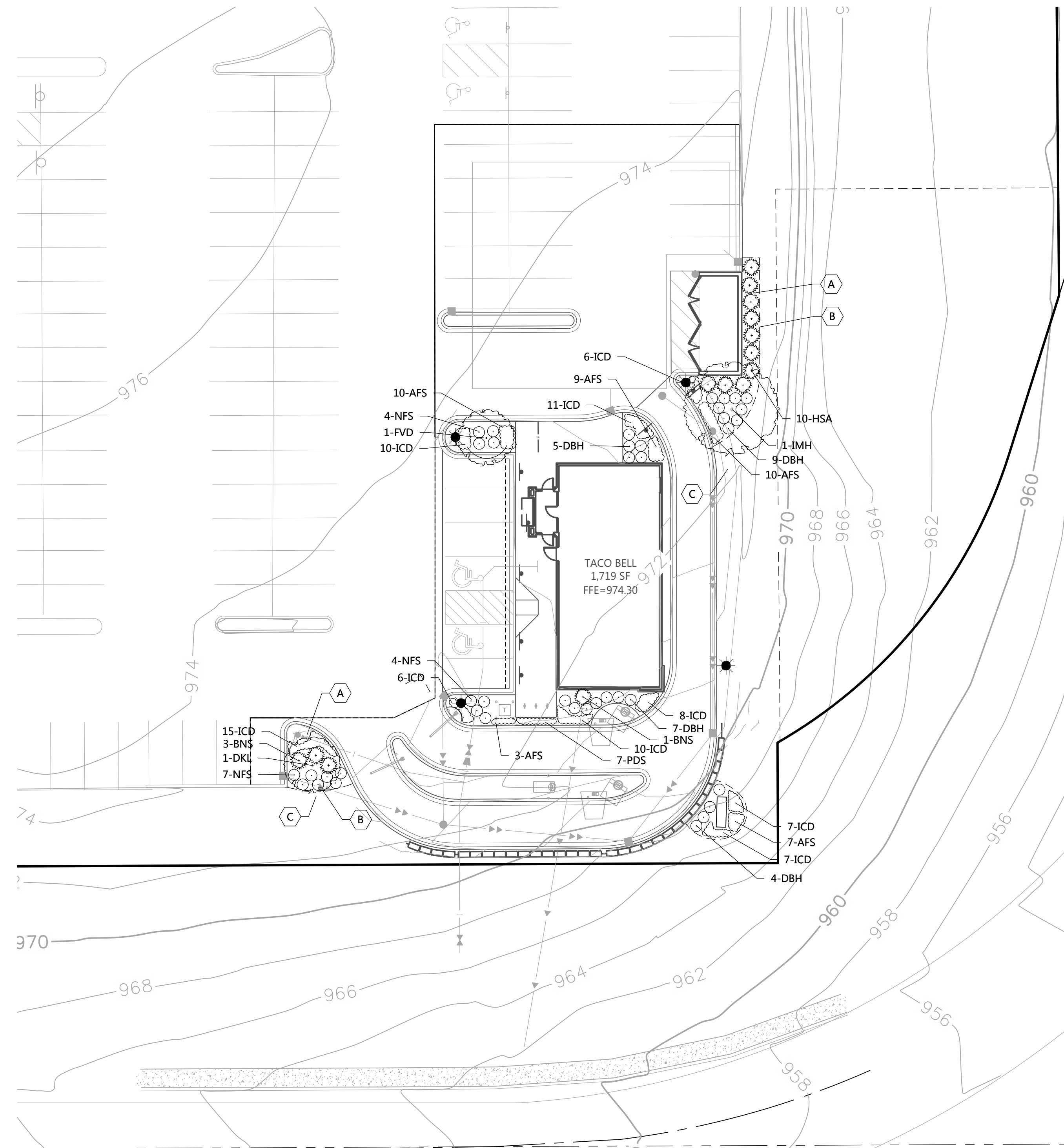
UTILITY PLAN

SHEET NUMBER:

C500

DATE: 03/09/21

PROJECT NUMBER: R0030164.00

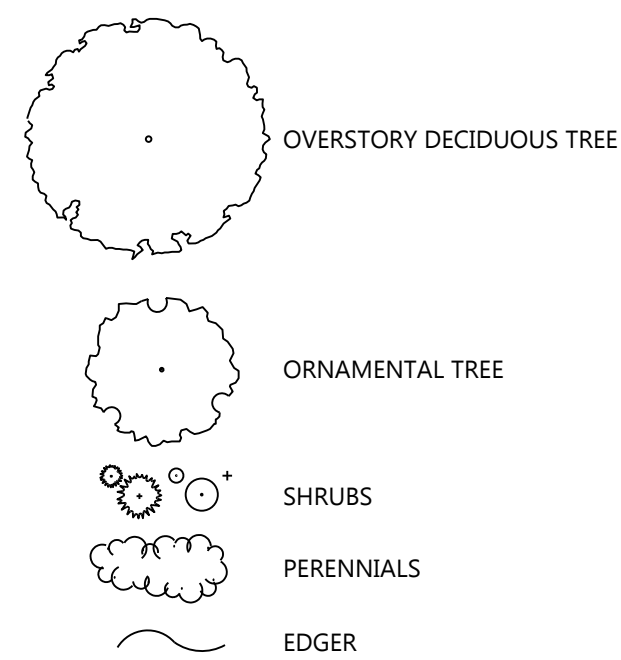


PLANT SCHEDULE

CODE	QTY	COMMON	BOTANICAL NAME	SIZE	ROOT	SPACING
OVERSTORY TREE 1						
IMH	1	IMPERIAL HONEYLOCUST	GLEDITSIA TRIACANTHOS VAR. 'INERMIS 'IMPCOLE'	2.5" CAL.	B&B	AS SHOWN
ORNAMENTAL TREE 2						
FVD	1	FOX VALLEY DWARF RIVER BIRCH	BETULA NIGRA 'LITTLE KING'	1.5" CAL.	B&B	AS SHOWN
DKL	1	DWARF KOREAN LILAC TREE	SYRINGA MEYERI PALIBAN	1.5" CAL.	B&B	AS SHOWN
DECIDUOUS SHRUB 40						
NFS	15	NEON FLASH SPIREA	SPIRAEA JAPONICA 'NEON FLASH'	#5	CONT.	3'-0" O.C.
DBH	25	DWARF BUSH HONEYSUCKLE	DIERVILLA LONICERA	#5	CONT.	3'-0" O.C.
CONIFEROUS SHRUB 14						
HSA	10	HOLMSTRUP ARBORVITAE	ARBORVITAE 'HOLMSTRUP'	#5	CONT.	5'-0" O.C.
BNS	4	BIRD'S NEST SPRUCE	PICEA ABIES 'NIDIFORMIS'	#5	CONT.	3'-0" O.C.
PERENNIALS 126						
ICD	80	ICE CARNIVAL DAYLILY	HEMEROCALLIS 'ICE CARNIVAL'	#1	CONT.	18" O.C.
AFS	39	AUTUMN FIRE SEDUM	SEDUM X 'AUTUMN FIRE'	#1	CONT.	18" O.C.
PDS	7	PRAIRIE DROPS EED GRASS	SPOROBOLUS HETEROLEPIS 'PRAIRIE DROPS EED'	#1	CONT.	24" O.C.

ABBREVIATIONS: B&B = BALLED AND BURLAPPED CAL. = CALIPER HT. = HEIGHT MIN. = MINIMUM O.C. = ON CENTER SP. = SPREAD QTY. = QUANTITY CONT. = CONTAINER NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

LANDSCAPE LEGEND

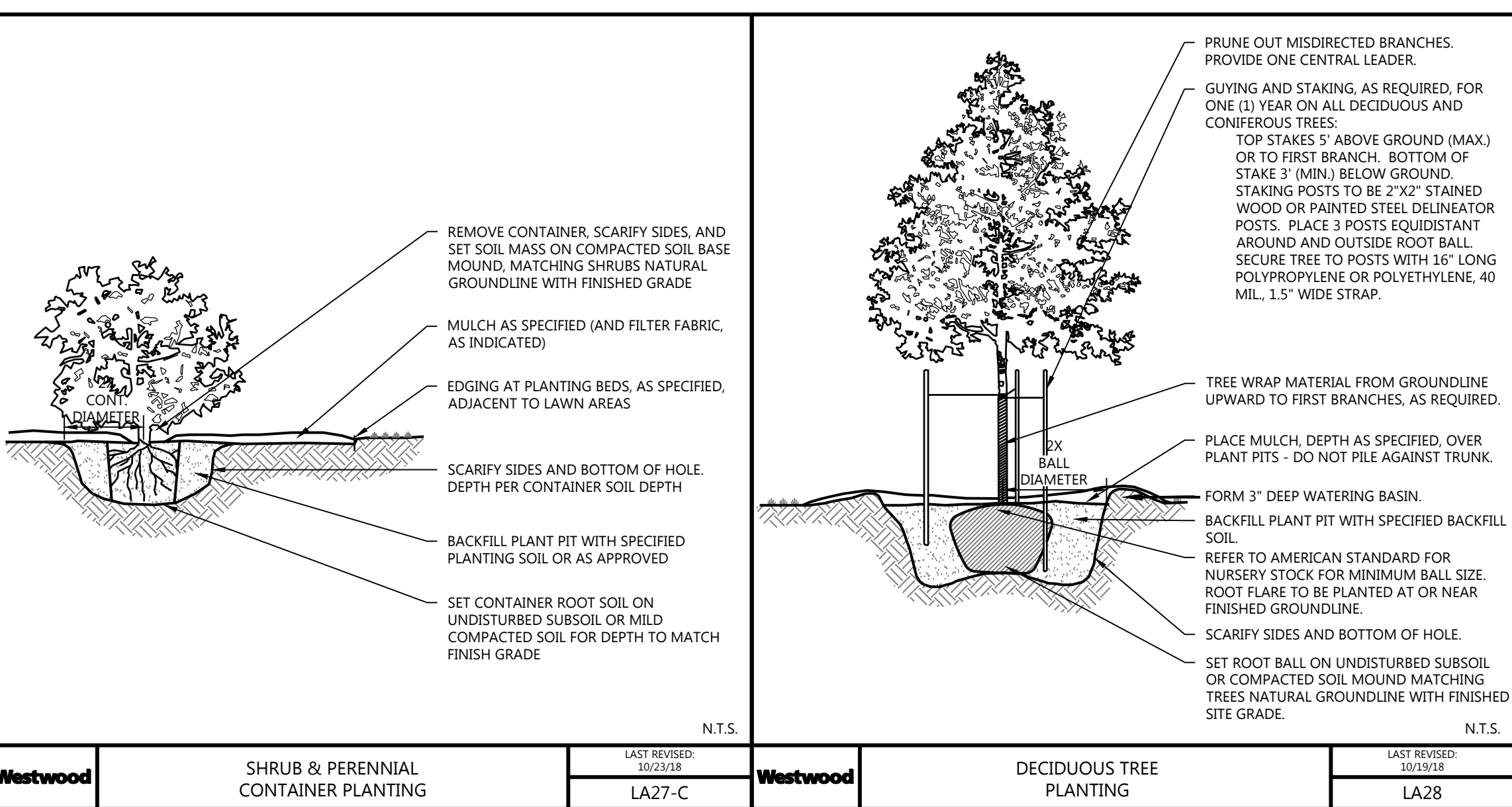


LANDSCAPE KEYNOTES

- A SHREDDED HARDWOOD MULCH (TYP.)
- B EDGER (TYP.)
- C SOD (TYP.)

PLANTING NOTES

1. CONTRACTOR SHALL CONTACT COMMON GROUND ALLIANCE AT 811 OR CALL811.COM TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
2. ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
3. NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
4. ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
5. CONTRACTOR SHALL PROVIDE TWO YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
6. ALL PLANTS TO BE SPECIMEN GRADE, MINNESOTA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS:
ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC.
ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES.
ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES.
ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING.
CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
7. PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2014 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
8. PLANTS TO BE INSTALLED AS PER MNLA & ANSI STANDARD PLANTING PRACTICES.
9. PLANTS SHALL BE IMMEDIATELY PLANTED UPON ARRIVAL AT SITE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
10. PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
11. OPEN TOP OF BURLAP ON BB MATERIALS; REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
12. PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
13. WRAP ALL SMOOTH-BARKED TREES - FASTEN TOP AND BOTTOM. REMOVE BY APRIL 1ST.
14. STAKING OF TREES AS REQUIRED; REPOSITION, PLUMB AND STAKE IF NOT PLUMB AFTER ONE YEAR.
15. THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS.
16. BACKFILL SOIL AND TOPSOIL TO ADHERE TO MN/DOT STANDARD SPECIFICATION 3877 (SELECT TOPSOIL BORROW) AND TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 4" DEPTH TOPSOIL FOR ALL LAWN GRASS AREAS AND 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
17. MULCH TO BE AT ALL TREE, SHRUB, PERENNIAL, AND MAINTENANCE AREAS. TREE AND SHRUB PLANTING BEDS SHALL HAVE 4" DEPTH OF SHREDDED HARDWOOD MULCH. SHREDDED HARDWOOD MULCH TO BE USED AROUND ALL PLANTS WITHIN TURF AREAS. PERENNIAL AND ORNAMENTAL GRASS BEDS SHALL HAVE 2" DEPTH SHREDDED HARDWOOD MULCH. MULCH TO BE FREE OF DELETERIOUS MATERIAL AND COLORED RED, OR APPROVED EQUAL MULCH AND FABRIC TO BE APPROVED BY OWNER PRIOR TO INSTALLATION. MULCH TO MATCH EXISTING CONDITIONS (WHERE APPLICABLE).
18. EDGING TO BE COMMERCIAL GRADE VALLEY-VIEW BLACK DIAMOND (OR EQUAL) POLY EDGING OR SPADED EDGE. AS INDICATED. POLY EDGING SHALL BE PLACED WITH SMOOTH CURVES AND STAKED WITH METAL SPIKES NO GREATER THAN 4 FOOT ON CENTER WITH BASE OF TOP BEAD AT GRADE. FOR MOWERS TO CUT ABOVE WITHOUT DAMAGE. UTILIZE CURBS AND SIDEWALKS FOR EDGING WHERE POSSIBLE. SPADED EDGE TO PROVIDE V-SHAPED DEPTH AND WIDTH TO CREATE SEPARATION BETWEEN MULCH AND GRASS. INDIVIDUAL TREE, SHRUB, OR RAIN-GARDEN BEDS TO BE SPADED EDGE, UNLESS NOTED OTHERWISE. EDGING TO MATCH EXISTING CONDITIONS (WHERE APPLICABLE).
19. ALL DISTURBED AREAS TO BE SODDED OR SEEDED, UNLESS OTHERWISE NOTED. PARKING LOT ISLANDS TO BE SODDED WITH SHREDDED HARDWOOD MULCH AROUND ALL TREES AND SHRUBS. SOD TO BE STANDARD MINNESOTA GROWN AND HARDY BLUEGRASS MIX, FREE OF LAWN WEEDS. ALL TOPSOIL AREAS TO BE RAKED TO REMOVE DEBRIS AND ENSURE DRAINAGE. SLOPES OF 3:1 OR GREATER SHALL BE STAKED. SEED AS SPECIFIED AND PER MN/DOT SPECIFICATIONS. IF NOT INDICATED ON LANDSCAPE PLAN, SEE EROSION CONTROL PLAN.
20. PROVIDE IRRIGATION TO ALL PLANTED AREAS ON SITE. IRRIGATION SYSTEM TO BE DESIGN/BUILD BY LANDSCAPE CONTRACTOR. LANDSCAPE CONTRACTOR TO PROVIDE SHOP DRAWINGS TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION OF IRRIGATION SYSTEM. IRRIGATION SYSTEM TO INCLUDE RAIN SENSORS OR SMART IRRIGATION CONTROLLERS. CONTRACTOR TO PROVIDE OPERATION MANUALS, AS-BUILT PLANS, AND NORMAL PROGRAMMING. SYSTEM SHALL BE WINTERIZED AND HAVE SPRING STARTUP DURING FIRST YEAR OF OPERATION. SYSTEM SHALL HAVE ONE-YEAR WARRANTY ON ALL PARTS AND LABOR. ALL INFORMATION ABOUT INSTALLATION AND SCHEDULING CAN BE OBTAINED FROM THE GENERAL CONTRACTOR.
21. CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL THE PLANT IS FULLY ESTABLISHED OR IRRIGATION SYSTEM IS OPERATIONAL. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
22. REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
23. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.



Westwood	SHRUB & PERENNIAL CONTAINER PLANTING	LAST REVISED: 10/22/18	LA27-C	Westwood	DECIDUOUS TREE PLANTING	LAST REVISED: 10/22/18	LA28
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Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

DESIGNED: JRW	03/09/21
CHECKED: JRW	03/09/21
DRAWN: JRW	03/09/21
HORIZONTAL SCALE: JRW	03/09/21
VERTICAL SCALE: JRW	03/09/21

PREPARED FOR:
BORDER FOODS, INC.
5424 BOONE AVENUE N
NEW HOPE, MN 55428

DESIGNED BY: JRW
CHECKED BY: JRW
DRAWN BY: JRW
DATE: 03/09/21
LICENSE NO.: 18919

TACO BELL MINNETONKA
MINNETONKA, MN

Westwood
12701 Whitewater Drive, Suite 8000
Minnetonka, MN 55343
Phone: (855) 937-5180
Fax: (855) 937-5822
www.westwoodps.com

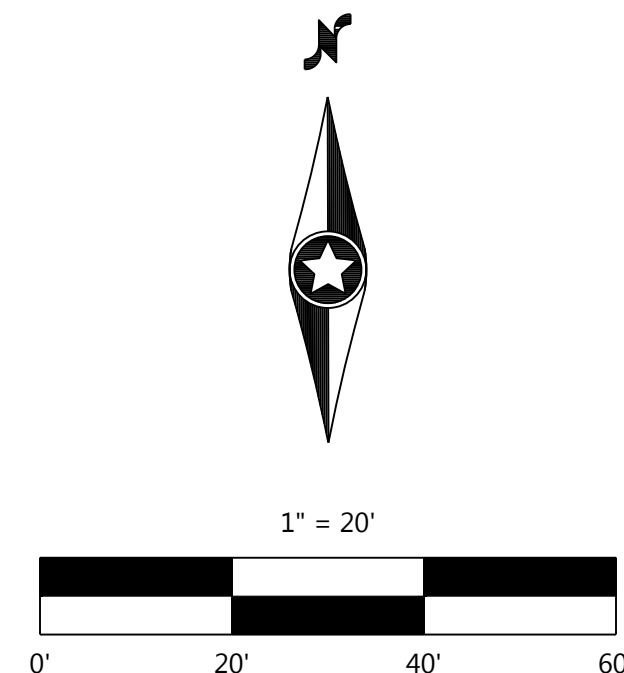
LANDSCAPE PLAN

SHEET NUMBER:

L100

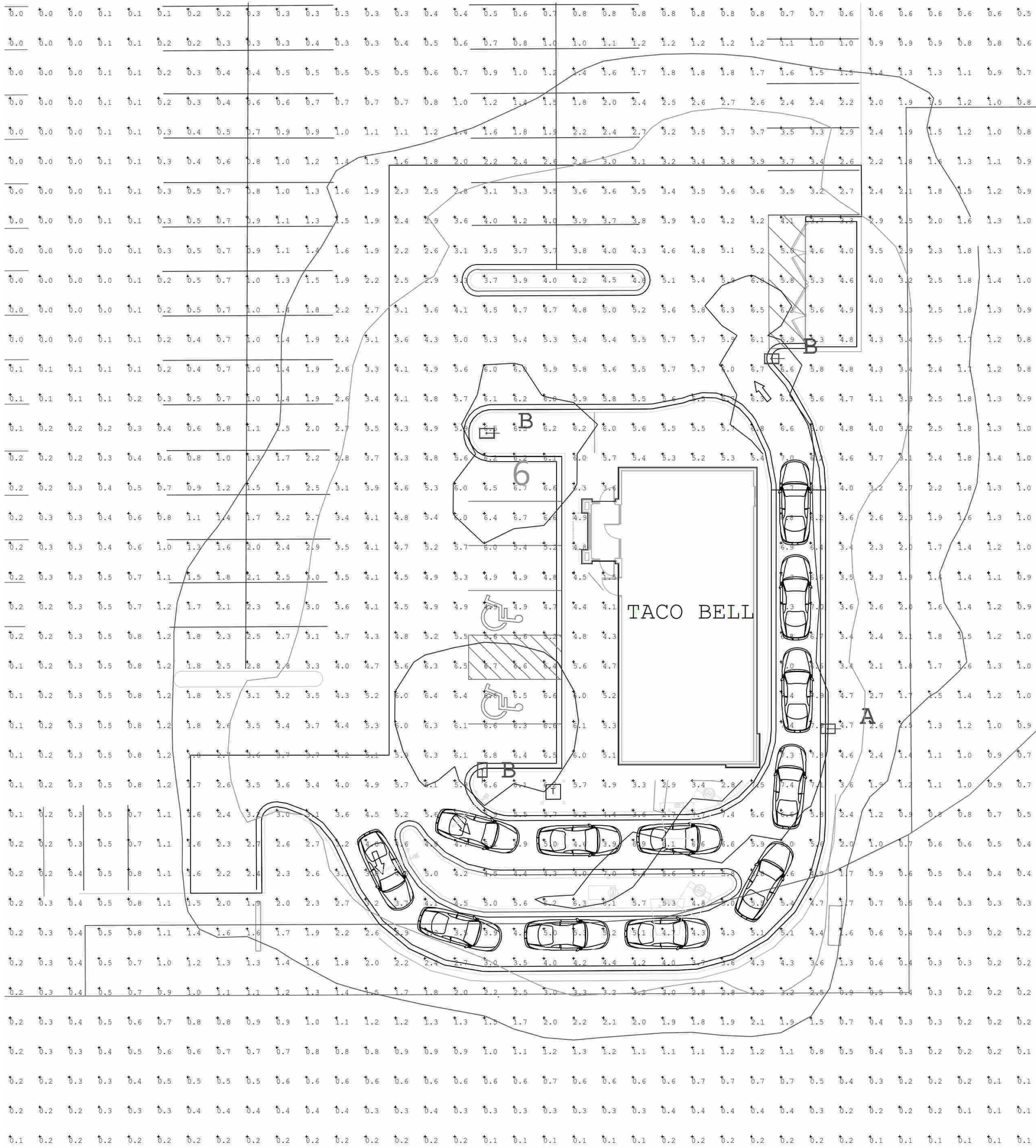
DATE: 03/09/21

PROJECT NUMBER: R0030164.00



NOT FOR CONSTRUCTION

TACO BELL
MINNETONKA, MN
PREPARED BY: JOHN BUJAKE
ACCUSERV LIGHTING & EQUIPMENT
877-707-7378
jbuake@accu-serv.com
FEBRUARY 24, 2021



Symbol	Qty	Label	Arrangement	Lum. Lumens	LLF	Lum. Watts	Description
1	1	A	SINGLE	39921	0.900	395	VPL-96L-395-4K7-4-UNV-A-DB / SES-25-40-01-A-B3-DB
2	3	B	SINGLE	41205	0.900	395	VPL-96L-395-4K7-5R-UNV-A-DB / SES-25-40-01-A-B3-DB

FIXTURES ARE 395W 4000K LED
POLES ARE 25'-0" WITH AN OVERALL FIXTURE HEIGHT OF 27'-6" A.F.F.

Label	Avg	Max	Min	Avg/Min	Max/Min
EXTENDED	2.32	7.9	0.0	N.A.	N.A.
PARKING LOT & DRIVE-THRU SURFACE	5.07	7.9	2.2	2.30	3.59

LIGHT LEVELS ARE MAINTAINED FOOT-CANDLES, INITIAL LEVELS ARE SLIGHTLY HIGHER

VIPER L STRIKE

Large Viper Luminaire

Specifications:

- Intended Use: The Beacon Viper Luminaire is available in two configurations with a wide choice of different LED wattage configurations and optical distributions designed to provide high lighting up to 1000' ft. as well. Luminaire is suitable for wet locations.
- Construction:
 - Manufactured with die-cast aluminum.
 - Coated with a polyester finish that meets ASTM D1171 corrosion test requirements and ASTM D522 cracking and loss of adhesion test requirements.
 - Stainless steel hardware corrosion resistant.
 - One piece optical cavity system consisting of an LED engine, LED lamp, optics, gasket and stainless steel bezel.
 - Cartridge is held together with internal brass studs the bezel is on the board so that it can be held replaced as a one piece optical system.
 - Two piece silicone and micro-encapsulated polycarbonate lens gasket ensures a weather or proof seal around each individual optic.
- Electrical:
 - Luminaire accepts 100V through 277V, 50 Hz to 60 Hz (60/50, 3W, or 4W) input.
 - Power factor is > 90 actual lead.
 - All electrical components are rated at 50,000 hours at full load and 50% ambient conditions per IEC 60529 IP67.
 - Dimming drivers are standard, but must contact factory to request wiring leads for purpose of external dimming controls.
 - Component-to-component wiring within the luminaire may vary no more than 50% of rated load and is certified by UL for use at 600VAC at 70°C or higher.
 - Fluorophores are certified UL for use at 600VAC, 15A or higher. 15A rating applies to primary AC line only.
 - Fixture electrical compartment shall contain all LED driver components and shall be provided with a push button terminal block for AC power connections.
 - Optional 7 pin ANSI C136 4 pin 2.0 D 2 pin lock control receptacle available. Compatible with ANSI C136-41 external wireless control devices.
 - Surge protection - 20KA.
 - Lighted™ Circuit - protects luminaire from excessive temperatures. The device, which activates at a specific, factory-preset temperature, and progressively reduce power over a wide temperature range. Operation shall be smooth and undetectable to the eye. Thermal circuit is designed to "fan out", allowing the luminaire to revert to full power in the event of an interruption of its power supply or faulty wiring connection to the driver. The device shall be able to co-exist with other 0-10V control devices (occupancy sensors, external drivers, etc.).

Product (MABEG)

Dimensions:

Model	A	B	C	D	Weight	EPA
2513"	241/2"	14.25"	4.13"	25.0"	3.2 lbs	1.2 ft ²
	(740 mm)	(374 mm)	(105 mm)	(11.3 kg)		

Mounting Options:

Certification/Listing:

Beacon Products • 2041 58th Avenue Circle East • Bradenton, FL 34203 • Phone: 800-346-8920
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ORDERING INFORMATION

ORDERING EXAMPLE: VPL96L-395-4K7-4-UNV-A-DB / SES-25-40-01-A-B3-DB

SELECTION	LED ENGINE	OPTIC	ROTATION	WATTAGE	COLOR	OPTIONS
VPL Viper	64L-185 185W LED lamp	2K7 3000K 10CGI	Leave blank for no rotation	LMV 120-277V	OPT Custom Color	F-Finish
	80L-180 180W LED lamp	4K7 4000K 10CGI	15° Optic rotation left	120 120W	BLK Black Matte Textured	ESP Black Spikes
	80L-235 235W LED lamp	4K7 4000K 10CGI	15° Optic rotation left	200 200W	PS Platinum Silver Smooth	BC Backlight control (limited to Type 4W only)
	96L-220 220W LED lamp	5K7 5000K 10CGI	15° Optic rotation right	240 240W	WHT White Textured	
	96L-280 280W LED lamp			277 277V	CB Custom Color (RAL)	
	96L-315 315W LED lamp			347 347V		
	96L-395 395W LED lamp			400 400W		

INSTALLATION:

FB: Type 1 (Flat Box)
2: Type 2
3: Type 3
4: Type 4 (HPS)
4W: Type 4 (HPS)
50M: Type 50M
50M: Type 50M
SR: Type SR (Rectangular)
SW: Type SW (Round Wide)

MOUNTING:

A: Backlight (formerly B3)
MMF: Mast Arm Fitter (formerly SF2)
K: Knock (formerly P12) (Limit to 42" H)
WB: Wall Bracket

CONTROL OPTIONS:

7FR: 7 Pin Receptacle (only for lighting, not for control, or wireless control) (provided by others)
7FR-TL: 7 Pin Receptacle w/LED Light (planned control)
SCP: Programmable (30 day occupancy daylight control) (120-277 volt only)
WSP: WSP P (Occupancy Sensor w/daylight control) (24V or 48V volt only)
GENI-XX: EMERGENCY
SWP: SineSync Pre-Commission
SWP-24: SineSync Pre-Commission

Accessories (Sold Separately):

Category Number	Description
SWUS21	SineSync loaded on USB (Back of the Window Based only)
SWTAP	SineSync Windows Tablet
SWBR2	SineSync Wireless Bridge Module

LEFT ROTATED OPTIC **RIGHT ROTATED OPTIC**

SineSync Lighting Control is available from our most popular brands in a broad range of award-winning product families.

Beacon Products • 2041 58th Avenue Circle East • Bradenton, FL 34203 • Phone: 800-346-8920
Due to our continued efforts to improve our products, product specifications are subject to change without notice.
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Owner: CSM INVESTORS, INC.
500 WASHINGTON AVE. S. # 3000
MINNEAPOLIS, MINNESOTA 55415

Applicant/Tenant: BORDER FOODS
5425 BOONE AVE. N
NEW HOPE, MINNESOTA 55428

Contact: Zach Zelickson
Phone: 763-489-2968

ENDEAVOR (MODIFIED)
1,748 S.F.

PROJECT NO.: TB1803

DRAWN BY: KDI

CHECKED BY: GGD

ISSUES AND REVISIONS:

C.U.P. / SITE PLAN REV.: 03.09.2021

PRELIMINARY - NOT FOR CONSTRUCTION

SITE LIGHTING PHOTOMETRIC

A104
TACO BELL, MINNETONKA, MN

finn daniels
ARCHITECTS

2145 Ford Parkway, Suite 301
Saint Paul, Minnesota 55116
651.690.5525
www.finn-daniels.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of Minnesota.

Typed Name _____
License Number _____ Date _____



RIDGEVIEW PLAZA
OUTLOT PARCEL
(ADJACENT TO 12380 WAYZATA BLVD.)
MINNETONKA, MN 55305

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of Minnesota.

Typed Name _____

License Number _____ Date _____



RIDGEVIEW PLAZA
OUTLOT PARCEL
(ADJACENT TO 12380 WAYZATA BLVD.)
MINNETONKA, MN 55305

Owner:
CSM INVESTORS, INC.
500 WASHINGTON AVE. S. # 3000
MINNEAPOLIS, MINNESOTA 55415

Applicant/Tenant:
BORDER FOODS
5425 BOONE AVE. N
NEW HOPE, MINNESOTA 55428

Contact: Zach Zelickson
Phone: 763-489-2968

ENDEAVOR (MODIFIED)
1,748 S.F.

PROJECT NO.: TB1803

DRAWN BY: KDI

CHECKED BY: GGD

ISSUES AND REVISIONS:

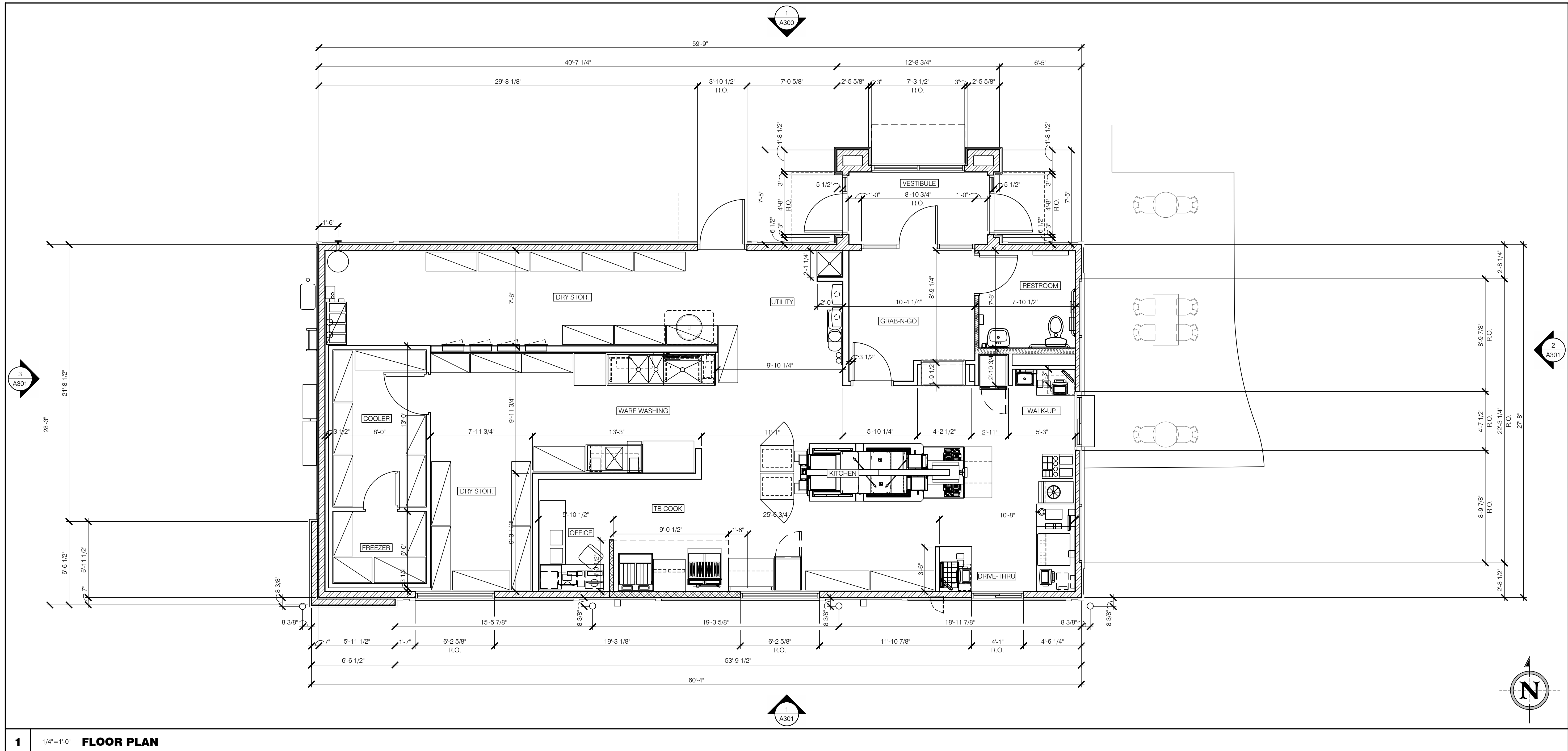
C.U.P. / SITE PLAN REV.: 03.09.2021

**PRELIMINARY -
NOT FOR
CONSTRUCTION**

**FLOOR
PLAN**

A200

TACO BELL, MINNETONKA, MN



1 1/4"=1'-0" **FLOOR PLAN**

WALL LEGEND	
	TYPICAL EXTERIOR WALL: 2X6 WD. STUDS AT 16" O.C. WITH SHEATHING AS SCHEDULED (SEE STRUCTURAL DRAWINGS) AND R-21 FIBERGLASS BATT INSULATION U.N.O. FULLERTON SHALL PROVIDE 2 LAYERS OF GRADE 'D' 60 LB. BUILDING PAPER.
	TYPICAL INTERIOR WALL: 2X4 WD. STUDS AT 16" O.C. (2X6 OR 2X8 WHERE NOTED).
	INTERIOR SOUND-RATED WALL: TYPICAL INTERIOR WALL WITH 3 1/2" OR 5 1/2" UNFACED FIBERGLASS BATT INSULATION.
	HOOD WALL: TYPICAL EXTERIOR WALL WITH METAL STUDS, 1/2" CEMENT WALL BOARD AND 20 GA. S.S. PANEL BEHIND HOOD.
WALL SUBSTRATES: SEE FULLERTON BUILDING SYSTEMS FOR ADDITIONAL INFORMATION - CUSTOMER AREAS:	
1/2" GYPSUM WALLBOARD FROM TOP OF SLAB TO 6" ABOVE CEILING HEIGHT U.N.O. SEE 17 & 18/A503. (NOTE: 1/2" CEMENT BOARD IS TO BE SUBSTITUTED FOR GYPSUM WALLBOARD FOR THE FIRST 5' A.F.F. FOR BASE TILE APPLICATION. (SEE ELEVATION DRAWING SHEET A600 FOR LOCATIONS))	
- KITCHEN WALLS:	
1/2" CEMENT WALLBOARD FROM TOP OF SLAB TO 12" A.F.F. SEE 20/A503 1/2" CDX PLYWOOD WITH F.R.P. SURFACE FINISH FROM 12" A.F.F. TO 6" ABOVE CEILING HEIGHT U.N.O. IF DOUBLE SIDED SHEAR WALL, PLYWOOD IS SPECIFIED, THE PLYWOOD SHALL BE CONTINUOUS FROM SILL PLATE TO TOP PLATE.	
1/2" CEMENT WALLBOARD FULL HEIGHT ON METAL STUD WALLS AT HOOD WITH STAINLESS STEEL WALL PANEL LOCATIONS. SEE HOOD WALL LEGEND ABOVE.	
- RESTROOM WALLS:	
1/2" CEMENT WALLBOARD FROM TOP OF SLAB TO TOP OF CERAMIC WALL TILE FINISH, WITH 5/8" HI-IMPACT BRAND XP WALLBOARD, TYPE X CORE FROM TOP OF CEMENT BOARD TO 6" ABOVE CEILING HEIGHT U.N.O. (SEE SHEET A201 FOR HEIGHTS AND LOCATIONS) NO SUBSTITUTIONS ALLOWED. FINISH AS SCHEDULED. SEE 18/A503.	
- ALL OTHER FRAME WALL CONDITIONS:	
1/2" CEMENT WALLBOARD FROM TOP OF SLAB TO HEIGHT OF CERAMIC TILE FINISH, WITH 1/2" GYPSUM WALLBOARD FROM TOP OF CEMENT BOARD TO 6" ABOVE CEILING HEIGHT U.N.O. FINISH AS SCHEDULED.	

FLOOR PLAN NOTES	
DIMENSIONS:	
1. ALL DIMENSIONS ARE TO FACE OF STUD U.N.O. REFER TO FOUNDATION PLAN FOR FACE OF CONCRETE DIMENSIONS.	
2. DIMENSIONS NOTED AS 'CLEAR' OR 'HOLD' ARE MINIMUM REQUIRED NET CLEARANCE FROM FACE OF WALL / WAINGSOT FINISH. VERIFY FINAL EQUIPMENT SIZES WITH VENDOR PRIOR TO INTERIOR WALL FRAMING.	
WINDOWS / DOORS:	
1. SEE SHEET A000 FOR WINDOW TYPES AND DOOR SCHEDULE.	
2. ALL DOOR AND WINDOW OPENING DIMENSIONS ARE TO ROUGH OPENINGS.	
3. ALL DOOR AND WINDOW OPENING DIMENSIONS ARE TO ROUGH OPENINGS.	
4. ALL JOINTS, GAPS OR SPACES LEADING TO ALL HOLLOW OR INACCESSIBLE SPACES SHALL BE SEALED WITH "NSF INTERNATIONAL" APPROVED SEALANTS.	
5. ALL BACK OF HOUSE AND OFFICE WALLS SHALL HAVE 1/2" CDX PLYWOOD SUBSTRATE, U.N.O.	
DECOR:	
1. SEE A203 FOR FLOOR FINISHES.	
2. SEE A204 FOR CEILING FINISHES.	
3. SEE A205 FOR SEATING PLAN AND DETAILS.	
4. SEE A600 AND A601 FOR WALL FINISHES.	
GENERAL:	
1. FULLERTON BUILDING SYSTEMS TO ENSURE THAT ALL NAIL / SCREW FASTENING POINTS ARE CLIPPED OFF / REMOVED WITHIN WALL CAVITY PRIOR TO INSTALL OF WALL INSUL. AND VAPOR BARRIER. G.C. TO COORDINATE.	
2. FULLERTON BUILDING SYSTEMS TO ENSURE ALL "L" ROOF TRUSS CLIPS AND FASTENERS ARE INSTALLED CORRECTLY WITHIN THEIR RESPECTIVE CLIP SLOTS. G.C. TO COORDINATE.	
3. G.C. TO PROVIDE UNFACED FIBERGLASS BATT INSULATION R-21 WITH POLY VAPOR BARRIER AT EXTERIOR WALL STUD CAVITY. TAPE AND SEAL ALL VAPOR BARRIER SEAMS.	
4. OWNER TO PROVIDE THREE FIRE EXTINGUISHERS - (2) 10 LB. ABC AND (1) K CLASS - TO COMPLY WITH LOCAL FIRE CODE. LOCATE PER DIRECTION OF FIRE MARSHALL OR LOCAL AUTHORIZING AGENCY.	
5. THESE DRAWINGS ARE BASED UPON WOOD FRAMING. UTILIZATION OF METAL STUDS ON NON-BEARING INTERIOR PARTITIONS, BULKHEADS AND SOFFITS IS ACCEPTABLE.	
6. ALL ATTACHMENTS MADE THROUGH WALLS SHALL BE SLEEVED OR GROMMET SET IN SEALANT TO PREVENT DAMAGE TO THE FINISH.	
7. ALL PENETRATIONS THROUGH WALLS & CEILINGS SHALL BE SEALED USING MFRS. APPROVED METHOD.	
8. ALL WALL AND CEILING PENETRATIONS IN TRASH ROOM TO BE SEALED WITH A FIRE RATED SEALANT.	
9. PAINT ALL EXTERIOR EXPOSED PIPING TO MATCH ADJACENT WALL.	
10. PROVIDE 2" RIGID INSULATION R-10 WITH 1/2" BILDRITE PROTECTION BOARD ON EXTERIOR FACE OF RIGID INSULATION ON THE FOUNDATION. FROM TOP OF FOOTING TO TOP OF FOUNDATION CONTINUOUSLY AROUND PERIMETER OF FOUNDATION.	

FLOOR PLAN KEY NOTES	
1	STARTING POINT. ALL SUB-TRADES SHALL USE THIS POINT AS A BEGINNING LAY-OUT (INSIDE FACE OF EXTERIOR WALL STUDS).
2	6" STUD INTERIOR WALL, FINISHED PER WALL LEGEND.
3	ELECTRICAL MAIN SWITCH BOARD. REFER TO ELECTRICAL DRAWINGS.
4	HOOD WALL, SEE WALL LEGEND.
5	ALUMINUM ROOF LADDER AND SECURITY GATE. SEE DETAILS 9, 19 AND 20/A500.
6	INSTALL OWNER SUPPLIED CO2 FILL BOX. SEE EXTERIOR ELEVATIONS 1/A300 AND DETAIL 4/A502. COORDINATE LOCATION WITH OWNER.
7	ALUMINUM THRESHOLD, SEE DETAIL 1 AND 8/A501.
8	MOP SINK. REFER TO SHEET A002 AND A205.
9	PROVIDE STEEL PIPE BOLLARD AND INSTALL OWNER SUPPLIED YELLOW PROTECTIVE COVER. SEE CIVIL DRAWINGS. SEE DETAILS 4/A101.
10	INSTALL OWNER SUPPLIED S.S. CORNER GUARD / WALL CAP. TYP. ALL CORNERS IN BACK OF HOUSE FROM REAR WALL TO THE KITCHEN SIDE OF THE SERVICE COUNTER. SEE DETAILS 11 AND 13/A503.
11	ELECTRICAL PANELS RECESSED IN WALL. SEE ELECTRICAL DRAWINGS.
12	PROVIDE WALL OPENING FOR 6" PVC TUBE SYRUP LINE CHASE. COORDINATE LOCATIONS WITH OWNER. SEAL AROUND TUBE TO WALL.
13	PROVIDE 6" DIA. PVC CHASE THRU CEILING FOR SYRUP LINES. SEE DETAIL 2/A504.
14	INSTALL OWNER SUPPLIED WALL MOUNTED WATER HEATER. CONTRACTOR TO PROVIDE REQUIRED FLUE VENTING.
15	PROVIDE DOOR SWEEPS AT ALL EXTERIOR DOORS. SEE SHEET A000.
16	KEEP CLEAR FOR UTILITIES AND SYRUP LINES. SEE DETAIL 3/A504.
17	PROVIDE 6" DIA. PVC STUB THROUGH WALL WITH REMOVABLE CAP. SEE DETAIL 3, 6, 7/A504. COORDINATE LOCATION WITH OWNER.
18	LIGHTING CONTROL PANEL BY 75F SURFACE MOUNTED. REFER TO ELEC. DWGS.
19	WALL / BASE DETAIL AT HOOD WALL. SEE 9/A503.
20	WALL / BASE DETAIL AT TOILET ROOM WALLS. SEE 18/A503.
21	METAL STUDS AT WIDTH OF KITCHEN HOOD AND ANY ADJACENT WALLS.
22	INSULATE TRASH ROOM WALLS AND CEILING.
23	THRU WALL ROOF SCUPPER AND DOWNSPOUT.
24	3'-0"X7'-0" CASED OPENING. G.C. TO INSTALL OWNER SUPPLIED STAINLESS STEEL WRAP AT JAMBS AND HEAD.
25	PROVIDE GREASE INTERCEPTOR. COVER PLATE TO BE FLUSH WITH FLOOR FINISH. SEE CIVIL AND PLUMBING DRAWINGS.
26	STAINLESS STEEL WALL PANELS FROM TOP OF FLOOR BASE TO CEILING GRID. SUPPLIED BY OWNER. INSTALLED BY CONTRACTOR. SEE INTERIOR ELEVATIONS SHEET A601.
27	NOT USED.
28	INSTALL OWNER SUPPLIED WINDOW SHADES AT LOCATIONS AND QUANTITIES VERIFIED THROUGH OWNER. WINDOW SHADES TO BE MANUFACTURER: ROLL-A-SHADE. PHONE: 1.888.245.5077. MODEL: LEGACY SYSTEMS. MANUAL OPERATION. MATERIAL: MERMET KOOL BLACK, 5" OPENESS. COLOR: T.B.D. (BY OWNER). BRACKETS AND BOTTOM RAIL TO BE POWDERED COATED BLACK CLUTCHES TO BE BLACK WITH STAINLESS STEEL CHAIN AND BLACK CHILD SAFETY TENSION DEVICE. VERIFY WINDOW DIMENSIONS.
29	PROVIDE NO SMOKING SIGNAGE ON ENTRY DOORS.
30	PROVIDE 8" H. WHITE VINYL ADDRESS NUMBERS ON WINDOW AT TOP. SEE 1/A300.
31	PULL STATION FOR HOOD FIRE SUPPRESSION SYSTEM.
32	GAS METER.
33	G.C. TO PROVIDE FIRE DEPARTMENT KNOX LOCK BOX. COORDINATE FINAL LOCATION WITH L.A.H.J.
34	PROVIDE STEEL PLATE JAMBS AND HEAD AT OVERHEAD DOOR. EPOXY PAINT. SEE 2/A402.
35	O.H. DOOR AS SCHEDULED.
36	HOT AND COLD WATER HOSE BIB. SEE PLUMBING DRAWINGS.
37	PROVIDE 1/2" PLYWOOD AND WHITE FRP WALL FINISH WITH TRIM FROM FINISHED FLOOR TO 4'-0" A.F.F. PAINT WALL FROM 4'-0" A.F.F. TO CEILING.
38	FLOOR TREATED 2X10 WOOD BUMP RAIL. VERIFY HEIGHT WITH DUMPSTER AND OWNER.
39	RECYCLE AND TRASH CONTAINERS PROVIDED BY OWNER.
40	PROVIDE OVERHEAD CEILING MOUNTED GAS FIRED UNIT HEATER. SEE MECHANICAL, ELECTRICAL AND PLUMBING DRAWINGS.
41	SERVICE COUNTER PROVIDED BY OWNER'S DECOR VENDOR.
42	WATER CONDITIONING SYSTEM. SUPPLIED BY OWNER. INSTALLED BY CONTRACTOR. SEE EQUIPMENT PLAN AND SCHEDULE.
43	NOT USED.
44	NOT USED.
45	PROVIDE THRU WALL FRESH AIR IN-TAKE LOUVER AND SCREEN WITH BACK DRAFT DAMPER. SEE EXTERIOR AND MECHANICAL DRAWINGS.
46	PROVIDE THRU CEILING / ROOF EXHAUST FAN. FAN CONTROLLED BY WALL SWITCH. SEE ROOF, REFLECTED CEILING, ELEC. AND MECH. DWGS. COORDINATE LOCATION.
47	AUTOMATIC GARAGE DOOR OPENER MOUNTED TO CEILING AS SCHEDULED. SEE ALSO ELECTRICAL DRAWINGS.
48	MIN. 10 SQ. FT. OF FLOOR AREA DESIGNATED FOR RECYCLING. (SHOWN DASHED) (6.103 SQ. FT. PER MN RULES CHAPT. 1303.1500)
49	CUT BACK HEIGHT OF WALL TO 6" ABOVE CEILING AND BRACE BACK TO STRUCTURE AS REQUIRED FOR MECHANICAL DUCTING.
50	PARTIAL HEIGHT WALL. SEE DETAILS FOR ADDITIONAL INFORMATION.
51	NOT USED.
52	6'-0" DIAMETER SLOPED FLOOR TO DRAIN. SEE A203 FLOOR FINISH PLAN.
53	DASHED LINE DENOTES METAL CANOPY ABOVE WITH LIGHTS.
54	NOT USED.
55	PROVIDE A 2'-6"X2'-6" FRAMED OPENING WITHIN WALL ABOVE CEILING TO GAIN ACCESS TO TOP OF COOLER.
56	DASHED LINES DENOTE GYPSUM BOARD CEILING OR BULKHEAD ABOVE. SEE REFLECTED CEILING PLAN A204.
57	OWNER SUPPLIED EASIWASH EQUIPMENT. INSTALL BY G.C.
58	NOT USED.
59	DASHED LINE INDICATES CONCRETE STOOP. SEE STRUCTURAL DRAWINGS.
60	NOT USED.
61	INSTALL OWNER SUPPLIED EASIWASH (EQUIP. #B-500) REMOTE VALVE & CONTROL STAINLESS STEEL ENCLOSURE. SEAL WALL PENETRATION AIR & WEATHER TIGHT. FINAL COORDINATE LOCATION WITH OWNER. G.C. TO PROVIDE PVC SLEEVE IN OFFICE WALL FRAMING.
62	WATER METER AND SPRINKLER RISER LOCATION. TO BE LOCATED AS TIGHT AS POSSIBLE TO EXTERIOR WALL.
63	PROPOSED LOCATION OF 'K' CLASS FIRE EXTINGUISHER. (PROVIDED BY OWNER, INSTALLED BY G.C.) COORDINATE FINAL LOCATION WITH LOCAL INSPECTOR PRIOR TO INSTALL.
64	PROPOSED LOCATION OF 'ABC' CLASS FIRE EXTINGUISHER. (PROVIDED BY OWNER, INSTALLED BY G.C.) COORDINATE FINAL LOCATION WITH LOCAL INSPECTOR PRIOR TO INSTALL.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of Minnesota.

Typed Name _____

License Number _____ Date _____



RIDGEVIEW PLAZA
OUTLOT PARCEL
(ADJACENT TO 12380 WAYZATA BLVD.)
MINNETONKA, MN 55305

Owner:
CSM INVESTORS, INC.
500 WASHINGTON AVE. S. # 3000
MINNEAPOLIS, MINNESOTA 55415

Applicant/Tenant:
BORDER FOODS
5425 BOONE AVE. N
NEW HOPE, MINNESOTA 55428

Contact: Zach Zelickson
Phone: 763-489-2968

ENDEAVOR (MODIFIED)
1,748 S.F.

PROJECT NO.: _____ TB1803

DRAWN BY: _____ KDI

CHECKED BY: _____ GGD

ISSUES AND REVISIONS:

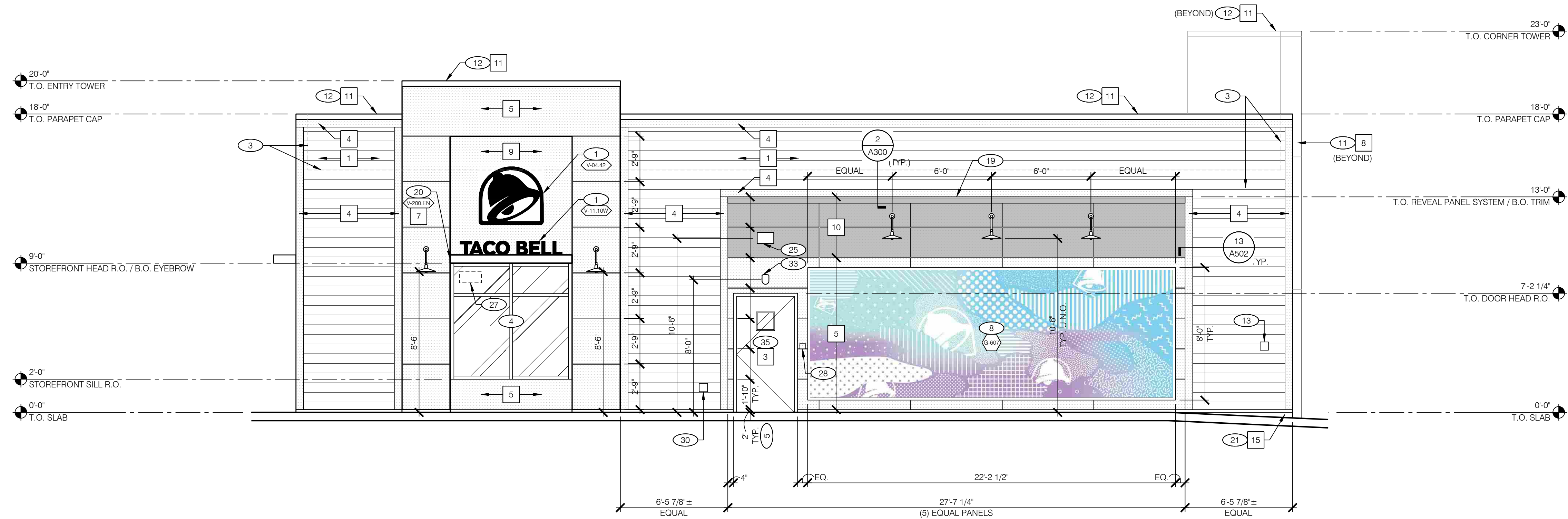
C.U.P. / SITE PLAN REV.: _____ 03.09.2021

**PRELIMINARY -
NOT FOR
CONSTRUCTION**

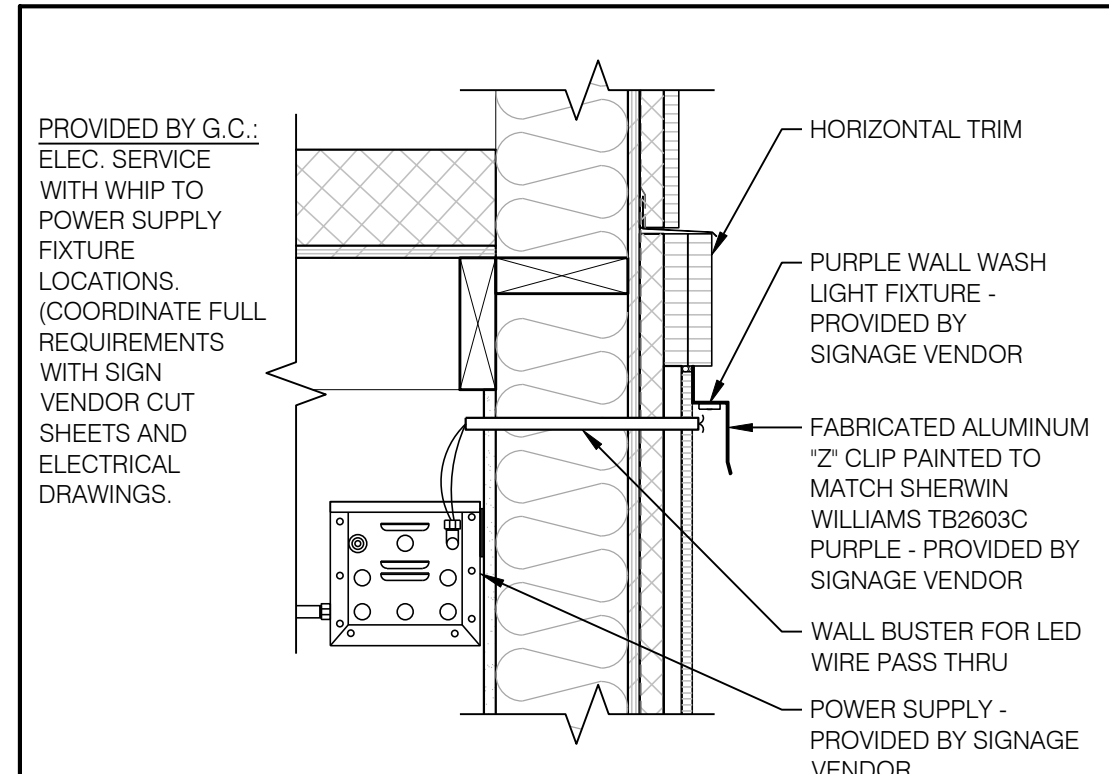
**EXTERIOR
ELEVATIONS**

A300

TACO BELL, MINNETONKA, MN



1 1/4"=1'-0" WEST ELEVATION



2 1/2"=1'-0" LED WALL WASHER DETAIL

QTY.	ITEM
1	CAMO PATTERN - PURPLE - EXPRESSION PANEL
1	CAMO PATTERN - PURPLE - EXPRESSION PANEL
1	CAMO PATTERN - PURPLE - EXTERIOR MURAL

EXTERIOR ARTWORK SCHEDULE

MISCELLANEOUS:

- SEE SHEET A000 "WINDOW TYPES" FOR WINDOW ELEVATIONS.
- E.I.F.S. TEXTURE TO BE QUARTZ PUTZ.

SEALERS (REFER TO SPECIFICATIONS):

- SEALANT AT ALL WALL AND ROOF PENETRATIONS.
- SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL AT WINDOWS.
- APPLY NEOPRENE GASKET (CONTINUOUS) BETWEEN BUILDING AND CANOPY.

"CRITICAL" DIMENSIONS:

- REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE / BUILDING ELEMENTS DIMENSIONS.

PAINTING:

- APPLICATOR MUST DO THEIR DUE DILIGENCE WITH PREPARATION.
PRIMER: 1 COAT SW A24WB300
FINISH: 2 COATS SW A82-100 SERIES, MATCH COLORS FROM MATERIAL SCHEDULE. A-100 EXTERIOR LATEX SATIN.

NOTE: NO EXTERIOR SIGNS ARE WITHIN THE SCOPE OF WORK COVERED BY THE BUILDING PERMIT APPLICATION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE INSTALLATION OF ALL EXTERIOR SIGNS AND INSTALLATION OF REQUIRED BLOCKING AND ELECTRICAL CONNECTIONS FOR FINAL APPROVED SIGNS.

GENERAL NOTES

QTY	ITEM DESCRIPTION	ELEC.
V-101.DT 1	DRIVE-THRU AWNING 9'-0" X 4'-0" BLACK	X
V-200.EN 1	VESTIBULE AWNING 7'-0" L. X 6" H. X 3'-0" D. BLACK (CUSTOM)	
V-202.EN 1	FRONT EYEBROW (WINDOW) 22'-0" L. X 6" H. X 1'-4" D. BLACK	X

CANOPY AND BUILDING ACCENT SCHEDULE

QTY	ITEM DESCRIPTION	ELEC.
V-04.42 3	42" SWINGING BELL PURPLE LOGO - FACE LIT (13.53 S.F.)	X
V-09.14W 2	14" WHITE CHANNEL LETTERS - WALL MOUNTED (9.9 S.F.)	X
V-11.10W 1	10" WHITE CHANNEL LETTERS - AWNING MOUNTED (5.01 S.F.)	X

NOTE: SIGNAGE UNDER SEPARATE PERMIT

SIGN SCHEDULE

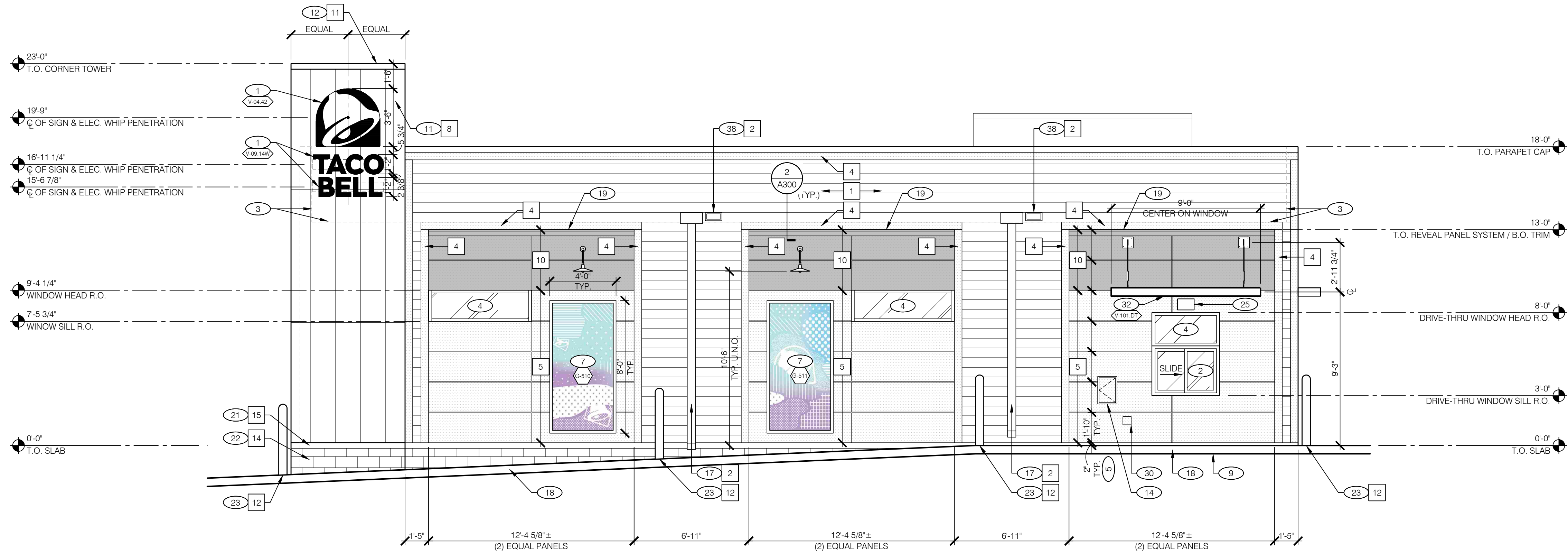
SYMBOL	AREA	MANUFACTURER	COLOR	CONTACT INFORMATION
1	SIDING	JAMES HARDIE	ARTISAN V-GROOVE 144"L. X 8.25" W.; 7" EXPOSURE - COMES PRIMED FOR PAINT - PAINT WORLDLY GRAY (SW7043) SEMI-GLOSS	SEE SHEET A001 FOR CONTACT INFORMATION
1a	SIDING	JAMES HARDIE	ARTISAN V-GROOVE 144"L. X 8.25" W.; 7" EXPOSURE - COMES PRIMED FOR PAINT - PAINT CYBERSPACE (SW7076) SEMI-GLOSS	SEE SHEET A001 FOR CONTACT INFORMATION
2	SCUPPERS / DOWNSPOUTS	-	PAINT WORLDLY GRAY (SW7043) SEMI-GLOSS	-
3	HOLLOW METAL DOOR	-	PAINT CYBERSPACE (SW7076) SEMI-GLOSS	-
4	HARDIE TRIM	JAMES HARDIE	HARDIE TRIM 5/4 SMOOTH 1" X 4.5" - PAINT CYBERSPACE (SW7076) SEMI-GLOSS	SEE SHEET A001 FOR CONTACT INFORMATION
5	HARDIE REVEAL PANEL	JAMES HARDIE	REVEAL PANEL SYSTEM - PAINT CYBERSPACE (SW7076) SEMI-GLOSS	SEE SHEET A001 FOR CONTACT INFORMATION
6	ELECTRICAL EQUIPMENT	-	PAINT WORLDLY GRAY (SW7043) SEMI-GLOSS	-
7	AWNINGS	SIGNAGE VENDOR	BLACK BY SIGNAGE VENDOR	-
8	CORNER TOWER	WESTERN STATE	T-GROOVE 24 GA. PAINTED 18" PANEL - WEATHERED RUSTIC	SEE SHEET A001 FOR CONTACT INFORMATION
9	RECESS OF SIDE ENTRY PORTAL	WESTERN STATE	T-GROOVE 24 GA. PAINTED 18" PANEL - WEATHERED RUSTIC	SEE SHEET A001 FOR CONTACT INFORMATION
10	HARDIE REVEAL PANEL	JAMES HARDIE	REVEAL PANEL SYSTEM - PAINT SW PURPLE TB2603C SEMI-GLOSS	SEE SHEET A001 FOR CONTACT INFORMATION
11	METAL PARAPET CAP	-	24 GA. GALVANIZED - CYBERSPACE (SW7076) KYNAR 500 COATING	-
12	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (US.POSTMAN.COM) OR EQUAL	COVER PROVIDED BY OWNER, INSTALLED BY G.C.
13	OVERHEAD DOOR	-	PRE-FINISHED (COLOR TO MATCH CYBERSPACE (SW7076)) PROVIDE COLOR SAMPLE TO ARCHITECT FOR APPROVAL	-
14	EXPOSED FOUNDATION	AMCOON CONCRETE PRODUCTS	ROCKFACE / SPLITFACE BLOCK #302 SHADOW	-
15	FLASHING / DRIP EDGE	FIRESTONE UNICLAD	CHARCOAL GRAY	-

EXTERIOR FINISH SCHEDULE

- BUILDING SIGN, BY VENDOR. REQUIRES ELECTRICAL, SEE ELECTRICAL PLANS.
- DRIVE-THRU WINDOW. SEE SHEET A000 AND A200.
- DASHED LINE INDICATES ROOF BEYOND.
- STOREFRONT, TYPICAL.
- HOLD FIBER CEMENT FINISH ABOVE FINISHED GRADE PER MANUFACTURERS RECOMMENDATIONS. (2" MIN. AT CONCRETE / BITUMINOUS; 4" MIN. AT SOIL / TURF / LANDSCAPING).
- SWITCH GEAR. PAINT TO MATCH WALL.
- EXPRESSION PANEL. PROVIDED BY OWNER, INSTALL BY G.C.
- EXTERIOR MURAL. PROVIDED BY OWNER, INSTALL BY G.C.
- ASSUME DRIVE-THRU LANE SURFACE IS 6" BELOW THE FINISH FLOOR AT DRIVE-THRU WINDOW. REFER TO GRADING AND SITE PLAN.
- STOREFRONT, SPANDREL OR FROSTED GLASS (NON-VISION GLASS).
- TOWER WITH METAL PANEL FINISH PROVIDED BY FULLERTON.
- PREFINISH PARAPET COPING.
- CO2 FILLER VALVE AND COVER. SEE DETAIL 4/A502 SIMILAR.
- EASIWASH EXTERIOR ACCESS PANEL. SEAL AIR & WEATHER TIGHT TO WALL WITH SEALANT TO MATCH ADJACENT EXTERIOR WALL FINISH.
- GAS SERVICE. DO NOT PAINT.
- WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
- SCUPPER, COLLECTOR, AND OPEN FACE DOWNSPOUT. PROVIDE WITH FACTORY POWDER COAT OR KYNAR 500 PAINT FINISH - COLOR AS SCHEDULED. (BOTTOM OF DOWNSPOUT TO BE 6"-8" ABOVE GRADE)
- CONCRETE CURB.
- PURPLE LED WALL WASH LIGHT FIXTURE FULL WIDTH BETWEEN TRIM BOARDS, AS SHOWN, PROVIDED AND INSTALLED BY SIGNAGE VENDOR.
- METAL AWNING OVER VESTIBULE WINDOW PROVIDED AND INSTALLED BY SIGN VENDOR.
- FLASHING DRIP EDGE AT TOP OF FOUNDATION WALL AS SCHEDULED.
- EXPOSED FOUNDATION WALL TO BE ROCKFACE BLOCK AS SCHEDULED.
- BOLLARD. SEE DETAIL 4/A101.
- METAL EYEBROW OVER WINDOWS PROVIDED AND INSTALLED BY SIGN VENDOR.
- WALL PACK LIGHT FIXTURE. SEE ELECTRICAL DRAWINGS.
- WALK-UP WINDOW. SEE A000 AND A200.
- ADDRESS SIGN. 8" HIGH WHITE VINYL LETTERS APPLIED TO GLASS SURFACE.
- FIRE DEPARTMENT KNOX BOX.
- STOREFRONT DOOR. REFER TO DOOR SCHEDULE.
- HOSE BIBB LOCATION. REFER TO PLUMBING AND DETAIL 19/A502.
- NOT USED.
- DRIVE-THRU CANOPY BY VENDOR.
- EMERGENCY LIGHT FIXTURE WITH BATTERY BACK UP. SEE ELECTRICAL DRAWINGS.
- NOT USED.
- INSULATED HOLLOW METAL DOOR AND FRAME. PAINT TO MATCH WALL.
- ALUMINUM ROOF ACCESS LADDER AND DOOR. (DO NOT PAINT) SEE DETAILS 9, 19 AND 20/A500.
- NOT USED.
- OVERFLOW SCUPPER BY G.C. - COLOR TO MATCH ADJACENT SIDING. FULLERTON TO PROVIDE OPENING SIZED PER MN STATE PLUMBING CODE AT HEIGHT NOT TO EXCEED MAXIMUM PONDING WATER FOR WHICH THE ROOF STRUCTURE WAS DESIGNED FOR BY CODE.

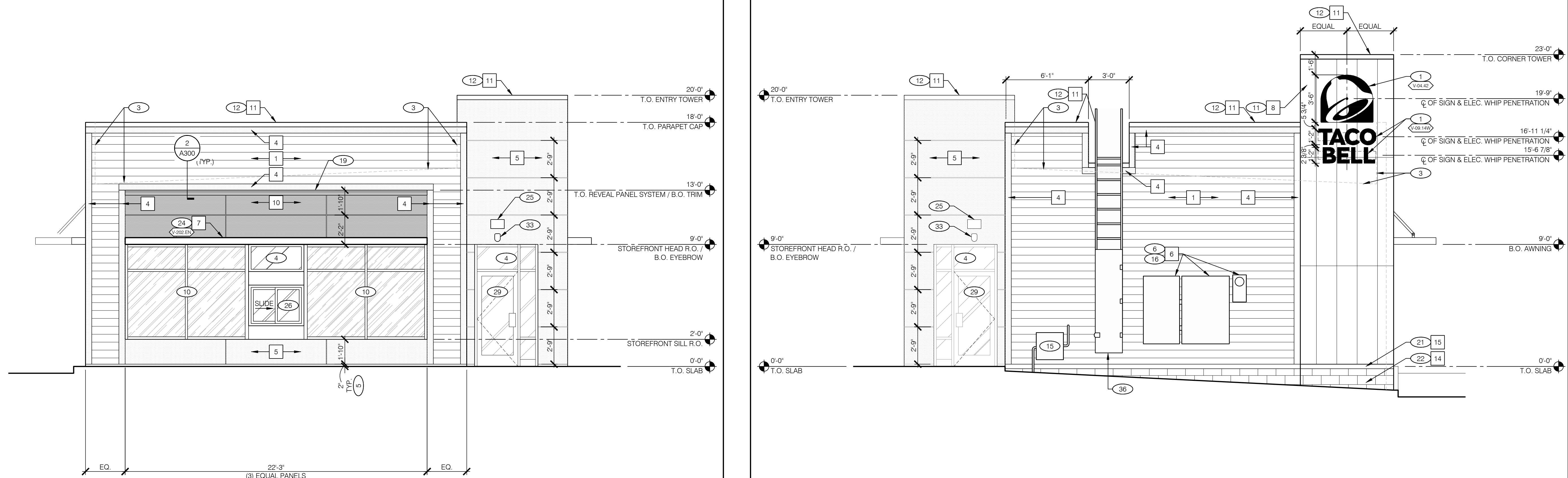
EXTERIOR ELEVATION KEY NOTES

NOTE: ELECTRICAL CONTRACTOR TO PROVIDE WHIP FOR SIGN POWER THROUGH METAL WALL PANEL AS DIMENSIONED. COMPLETE IMMEDIATELY FOLLOWING TOWER INSTALL / PRIOR TO INTERIOR SHEATHING INSTALL.



1 1/4"=1'-0" EAST ELEVATION

NOTE: ELECTRICAL CONTRACTOR TO PROVIDE WHIP FOR SIGN POWER THROUGH METAL WALL PANEL AS DIMENSIONED. COMPLETE IMMEDIATELY FOLLOWING TOWER INSTALL / PRIOR TO INTERIOR SHEATHING INSTALL.



2 1/4"=1'-0" NORTH ELEVATION

3 1/4"=1'-0" SOUTH ELEVATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of Minnesota.

Typed Name _____

License Number _____ Date _____



RIDGEVIEW PLAZA
OUTLOT PARCEL
(ADJACENT TO 12380 WAYZATA BLVD.)
MINNETONKA, MN 55305

Owner:
CSM INVESTORS, INC.
500 WASHINGTON AVE. S. # 3000
MINNEAPOLIS, MINNESOTA 55415

Applicant/Tenant:
BORDER FOODS
5425 BOONE AVE. N
NEW HOPE, MINNESOTA 55428

Contact: Zach Zelickson
Phone: 763-489-2968

ENDEAVOR (MODIFIED)
1,748 S.F.

PROJECT NO.: TB1803

DRAWN BY: KDI

CHECKED BY: GGD

ISSUES AND REVISIONS:

C.U.P. / SITE PLAN REV.: 03.09.2021

**PRELIMINARY -
NOT FOR
CONSTRUCTION**

**EXTERIOR
ELEVATIONS**

A301

TACO BELL, MINNETONKA, MN



REQUIRED NOTIFICATION AREA

Ordinance No. 2021-

**An ordinance amending the existing Ridgemart master development plan
at 12380 Wayzata Blvd**

The City Of Minnetonka Ordains:

Section 1. Background

1.01 This ordinance hereby amends the existing Ridgemart master development plan at 12380 Wayzata Blvd.

1.02 The property is legally described as:

Lots 9, 10, 11, 13, 14, and 15 except the south 125 feet of Block 7, Sunset Hill.
The South 125 Feet of Lot 11 and all of Lot 12, Block 7, Sunset Hill

1.03 In 1991, the city approved the Ridgemart master development plan. Under the plan, the site is approved for a roughly 66,000 square foot commercial building and associated parking lot.

1.04 Border Foods is proposing to construct a 1,719 square-foot Taco Bell fast-food restaurant in the southeast corner of the site.

Section 2. Findings

2.01 The proposal is consistent with the existing commercial use of the site.

2.02 The proposal would not negatively impact the public health, safety, or general welfare.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions below:
 - Site Plan, dated March 9, 2021
 - Grading Plan, dated March 9, 2021

- Utility Plan, dated March 9, 2021
- Landscaping Plan, dated March 9, 2021
- Building Renderings, dated March 5, 2021

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

2. The development must further comply with all conditions outlined in City Council Resolution No. 2021-xx, adopted by the Minnetonka City Council on _____, 2021.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

- Date of introduction: April 12, 2021
- 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 _____, 2021.

Becky Koosman, City Clerk

City Council Agenda Item #14A
Meeting of April 12, 2021

Brief Description Conditional use permits for small cell wireless facilities near the following intersections:

- Linner Road and Tammer Lane
- Holdridge Drive and Post Road
- Indian Circle West and Council Circle
- Lake Street Extension and Hull Road
- Pioneer Road and Merilee Lane
- Baker Road and Deerwood Drive

Recommendation Adopt the resolution approving the conditional use permits

Background

The siting of telecommunication infrastructure is governed by state and federal law. Recent actions at both the state and federal levels have significantly impacted the ability of local governments to regulate telecommunication providers.

- In 2017, the Minnesota Legislature passed the Telecommunications Right-of-Way Users Law. Under the law, small cell wireless facilities are considered *permitted uses in all* public rights-of-way. Intended to expedite the construction of small cell wireless networks, the law broadly removed local discretion in the approval/denial of small cell wireless facilities.
- In 2018, the Federal Communications Commission – the agency charged with creating rules and policies under the federal Telecommunications Act – issued a “Declaratory Ruling and Third Report and Order” that essentially supports the Minnesota Law. The rule indicates that, under the Telecommunications Act, cities must allow the construction/location of telecommunication facilities within public rights-of-way.

The 2018 Minnetonka Telecommunication Ordinance attempted to regain some lost local control. For instance, the ordinance: (1) directed small cell wireless facilities to non-single-family residential areas; and (2) required that, *if* a small cell facility *had to be* located in a single-family residential area, the location was restricted to the rights-of-way of collector or arterial roadways.¹ A review by outside counsel determined that these standards, and others, were not consistent with the federal and state law. They would preclude the use of certain rights-of-way, which was contrary to state and federal legislation that deemed all rights-of-way acceptable locations for small cell facilities. The Minnetonka Telecommunication Ordinance was subsequently updated in January 2021.

Proposal

Verizon Wireless has submitted applications for six small cell wireless installations in Minnetonka.

¹ The city’s right-of-way management ordinance was also updated in 2018. The ordinance contains aesthetic and separation standards. The city attorney has advised that some of these standards are preempted by state law and cannot be enforced. The right-of-way management ordinance will also need to be updated.

Group	Site	Location	Height
1	1	West of Linner Road, South of Tammer Lane	34 feet
	2	West of Holdridge Drive, North of Post Road	34 feet
	3	West of Indian Road West, North of Council Circle	30 feet
2	1	North of Lake Street Extension, East of Hull Road	34 feet
	2	North of Pioneer Road, West of Merilee Drive	30 feet
	3	West of Baker Road, North of Deerwood Drive	34 feet

Planning Commission Review and Recommendation

The planning commission considered the Verizon applications on March 18, 2021. Staff recommended approval, noting:

- By state and federal law, the city cannot prohibit small cell wireless installations;
- By state law, the city cannot require that small cell wireless installations be co-located on existing supports structures/utility poles;
- By state and federal law, the city cannot dictate the location of small cell wireless installation or declare certain rights-of-way “off-limits;” and
- The proposed small cell facilities would meet the ordinance standards that are not preempted by state law.

At the meeting, a public hearing was opened to take comments. Two residents addressed the commission and voiced concerns related to:

- Visual impact of the facilities;
- Lack of clarity on why the towers were “needed” in the specific locations chosen by Verizon; and
- Potential health risks for those residents who have health issues.

Commissioners shared the concerns of the residents but noted that the city’s ability to deny the requests was severely limited by state and federal law. The city’s primary discretion with regard to new small cell wireless facilities in residential areas is color and design. On a 5-0 vote, the commission recommended the council approve the conditional use permits.

Summary Comments

Staff has received many comments from Minnetonka residents concerned about the visual impact of the proposed small cell wireless facilities. Staff understands and sympathizes with those concerns. In fact, the ordinance drafted in 2018 was intended to deter installing facilities that would detract from the natural environment that “is Minnetonka.” Unfortunately, the ordinance went too far. It included requirements and standards that are preempted by state

statute, which was the reason for the recent ordinance amendment. The city cannot confine small cell wireless facilities to non-residential areas, even if that is what residents would prefer.

People have come to rely on telecommunication technology to support them in their professional, educational, and personal lives. While consumer demand for this technology may fluctuate over time, it is unlikely to diminish. Verizon's proposed small cell wireless facilities are likely the first of many in Minnetonka. In fact, many small cell wireless facilities are likely to be permitted and installed in residential areas through an administrative permit process. By state law, facilities located on *any existing or replacement support structure are permitted uses in all public rights-of-way*. Similar to other permitted right-of-way uses – telephone, cable, electric, gas, etc. – these installations are reviewed, permitted, and occur without any public process or planning commission review and city council approval.

Staff Recommendation

Staff recommends that the city council adopt the resolutions approving conditional use permits for small cell wireless facilities at the following locations, specifying unenclosed or enclosed/pillar design and color:

- Linner Road and Tammer Lane
- Holdridge Drive and Post Road
- Indian Circle West and Council Circle
- Lake Street Extension and Hull Road
- Pioneer Road and Merilee Lane
- Baker Road and Deerwood Drive

Through: GERALYN BARONE, City Manager
 JULIE WISCHNACK, AICP, Community Development Director
 LOREN GORDON, AICP, City Planner

Originator: SUSAN THOMAS, AICP, Assistant City Planner

MINNETONKA PLANNING COMMISSION
March 18, 2021

Brief Description

Conditional use permits for small cell wireless facilities near the following intersections:

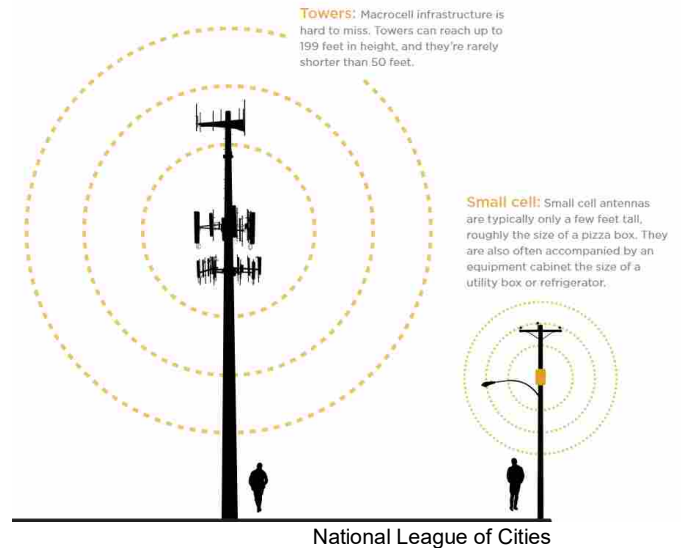
- Linner Road and Tammer Lane
- Holdridge Drive and Post Road
- Indian Circle West and Council Circle
- Lake Street Extension and Hull Road
- Pioneer Road and Merilee Lane
- Baker Road and Deerwood Drive

Recommended

Recommend the city council adopt the resolutions approving the conditional use permits

Telecommunication Technology Background

In the past, telecommunication facilities were typically located on towers designed specifically for such facilities. These towers are now generally referred to as macrocells.¹ To address the growing demand for wireless services, telecommunications providers have turned to the construction of small cell wireless networks. These small cell facilities communicate with the larger towers, “stretch[ing] macrocell coverage and add[ing] capacity in high demand areas.”² Unlike the larger towers, small cell facilities generally cover small geographic areas and are usually mounted to existing structures – like buildings or utility poles – or are part of a new structure of the same general size as a utility pole.



Telecommunication Law Background

The siting of telecommunication infrastructure is governed by federal, state, and local regulations. The most impactful regulations include:

- 1. Federal Telecommunications Act.** In 1996, the federal legislature adopted the Telecommunications Act to “promote competition and higher quality in American telecommunication services and to encourage the rapid deployment of new telecommunication technologies.”³ Among other things, the act established that cities:

¹ In some instances, telecommunications facilities are also located on water towers or tall buildings, which provided the same opportunity to elevate the antenna components of the facilities.

² National League of Cities. (2018) *Small Cell Wireless Technology in Cities*. National League of Cities.

³ League of Minnesota Cities. (2020) *Cell Towers, Small Cell Technologies & Distributed Antenna Systems*. League of Minnesota Cities.

- Cannot prohibit telecommunication facilities;
- Cannot discriminate among providers;
- Cannot cite environmental concerns as a reason for denial when a facility complies with Federal Communications Commission (FCC) rules; and
- Must act on applications within 90 days.

The FCC is the agency charged with creating rules and policies under the Telecommunications Act.

2. **Minnesota Telecommunications Right-of-Way Users Law.** To expedite the construction of small cell wireless networks, small cell wireless providers pursued legislation in 2017 that granted far-reaching rights for providers to install small wireless facilities in the public right-of-way (ROW). Together with other members of the League of Minnesota Cities, Minnetonka strongly opposed this legislation. Ultimately, the Minnesota legislature passed the Telecommunications ROW Users Law, which broadly removed local discretion in the approval/denial of small wireless facilities. Under the law:

- Wireless providers are established as allowable right-of-way users, similar to gas, electric, and cable companies.
- Small cell wireless facilities are considered permitted uses within rights-of-way.

While cities can require a right-of-way permit for such facilities, zoning review and permitting is limited. The only exception is small cell facilities located on new structures in single-family residential areas; a conditional use permit (CUP) may be required in such instances. However, even under such a permit, city discretion is primarily restricted to facility design.

3. **FCC Declaratory Ruling.** In 2018, the FCC issued a “Declaratory Ruling and Third Report and Order” that essentially supports the Telecommunications ROW Users Law. The rule indicates that, under the Telecommunications Act, cities must allow the construction/location of telecommunication facilities within public rights-of-way. The ruling further placed restrictions on a city’s ability to regulate certain aspects of the facilities. For example, a city may establish aesthetic standards, but the standards may be no more burdensome than the standards placed on other infrastructure located within rights-of-way.
4. **Minnetonka Telecommunication and Ordinance.** In 2018, the Minnetonka ordinance was updated to generally reflect state statute. In an attempt to preserve some local controls. For instance, the ordinance: (1) directed small cell wireless facilities to non-single-family residential areas; and (2) required that, *if a small cell facility had to be* located in a single-family residential area, the location was restricted to the rights-of-way of collector or arterial roadways.⁴ In 2019, based on conversations with telecommunication providers regarding these provisions, legal and planning staff requested that outside counsel review the ordinance. That review determined several standards were not consistent with the federal and state law. Specifically, those standards that may preclude the use of rights-of-way that federal and state law had

⁴ The city’s right-of-way management ordinance, which is not the purview of the planning commission, was also updated at that time. The ordinance contains aesthetic and separation standards. The city attorney has advised that some of these standards are preempted by state law and cannot be enforced. The right-of-way management ordinance will also need to be updated.

already deemed acceptable. As such, the ordinance was recently amended to remove these standards and, thereby, come into compliance with federal and state law.

Verizon Applications

Verizon Wireless has submitted applications for six small cell wireless installations in Minnetonka.

Group	Site	Location	Height
1	1	West of Linner Road, South of Tammer Lane	34 feet
	2	West of Holdridge Drive, North of Post Road	34 feet
	3	West of Indian Road West, North of Council Circle	30 feet
2	1	North of Lake Street Extension, East of Hull Road	34 feet
	2	North of Pioneer Road, West of Merilee Drive	30 feet
	3	West of Baker Road, North of Deerwood Drive	34 feet

Verizon has provided two design options, which staff is referring to as Design 1 and Design 2. Staff believes that Design 2 best meets the aesthetic requirements of the ordinance. Similarly, there are two color options for each proposed installation, brown and silver/gray.

	Design 1	Design 2
Brown		
Gray/Siler		

Each of the proposed installations requires a conditional use permit. It is important to note that:

- If these facilities were proposed to be attached to existing utility structures, no public review process would be necessary. Facilities located on existing utility structures – in any zoning district – are permitted uses under federal and state law. In other words, the planning commission would not review such installations.
- The city cannot require installation on an existing utility structure.

Primary Questions and Analysis

A land use proposal is comprised of many details. These details are reviewed by members of the city's economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborative efforts of this larger staff review team.

- **Can the city prohibit small cell wireless installations?**

No. As outlined in the Telecommunication Law section of this report, the city cannot prohibit small cell wireless installations.

- **Can the city prohibit 5G installations?**

No. The city cannot prohibit or discriminate among technologies that comply with FCC regulations. In other words, the city cannot allow facilities that utilize 3G or 4G technology but prohibit 5G technology.

- **Can the city direct small cell wireless facilities to certain streets or areas?**

No. By state law, the city must allow small cell wireless facilities within public right-of-way. The city cannot dictate that certain rights-of-way are "off limits."

- **Do the Verizon applications meet the conditional use permit standards?**

Yes. The proposed small cell facilities would meet the ordinance standards that are not preempted by state law. For further discussion, see the "Supporting Information" section of this report.

- **What design and color should the facilities be?**

In the opinion of city staff:

- ✓ The enclosed/pillar design is the least obtrusive and would meet the aesthetic requirements of the ordinance. It is similar to both utility poles and boxes, which are also allowed within public rights-of-way.
- ✓ The gray/silver color option would similarly be the least obtrusive, particular during "leaf off" conditions.

The commission and council may have different design opinions. The applicant has indicated willingness to use any of the design/color combinations at the installation sites.

Summary Comments

Staff has received many comments from Minnetonka residents concerned about the visual impact of the proposed small cell wireless facilities. Staff understands and sympathizes with those concerns. In fact, the ordinance drafted in 2018 was intended to deter the installation of facilities that would detract from the natural environment that “is Minnetonka.” Unfortunately, the ordinance went too far. It included requirements and standards that are preempted by state statute, which was the reason for the recent ordinance amendment. The city cannot confine small cell wireless facilities to non-residential areas, even if that is what residents would prefer.

People have come to rely on telecommunication technology to support them in their professional, educational, and personal lives. While consumer demand for this technology may fluctuate over time, it is unlikely to diminish. Verizon’s proposed small cell wireless facilities are likely the first of many in Minnetonka. Many of those facilities will be subject only to administrative review; only new structures in residential areas require planning commission and city council review.

Staff Recommendation

Recommend the city council adopt the resolutions approving conditional use permits for small cell wireless facilities at the following locations, specifying unenclosed or enclosed/pillar design and color:

- Linner Road and Tammer Lane
- Holdridge Drive and Post Road
- Indian Circle West and Council Circle
- Lake Street Extension and Hull Road
- Pioneer Road and Merilee Lane
- Baker Road and Deerwood Drive

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

Supporting Information

Surrounding Land Uses

Each of the proposed installations would be located within public rights-of-way, surrounded by single-family residential properties.

Permitted Installations

Under the city's telecommunication ordinance and in compliance with state law, small cell wireless facilities are permitted uses within public rights-of-way in the following situations:

- Facilities located on existing support structures, such as existing utility or light poles, in any zoning district.
- Facilities located on new support structures in office, commercial, industrial, and high-density residential districts.

As permitted uses, these facilities require only an administratively-reviewed and approved right-of-way permit.

CUP Standards

Under the city's Telecommunication Ordinance, conditionally-permitted small cell wireless facilities are subject to the following standards:

Standards, All Locations and Facilities – City Code §310.03 Subd.7(a)

- 1) Service Provider. A telecommunications service provider must be identified for the proposed telecommunication facility and must occupy the facility within twelve months of approval.

Finding. Verizon has been identified as a service provider.

- 2) Lighting. Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

Finding. No illumination is proposed. However, this has been included as a condition of approval.

- 3) Construction. Facilities and equipment must be constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must be in compliance with the manufacturer's specifications.

Finding. This has been included as a condition of approval.

Standards; Conditionally-Permitted Small Cell Wireless – City Code §310.03 Subd.8(a)(1)

- a) May not be located adjacent to residentially-zoned properties unless the applicant provides an RF certification that the applicant's service objectives for the site cannot be met by constructing a similar facility in a non-residentially zoned area; and

Finding. The applicant has provided an affidavit noting that the facilities are intended to serve “residential areas, and there are no non-residentially zone areas available that will the [the] service objectives for the residential areas.” Note, under federal and state law, the city cannot require that applicants prove a “coverage gap” or direct installations to areas the city would prefer. Such actions may preclude the use of rights-of-way, which federal and state law have already deemed acceptable.

- b) Must be located within the rights-of-way of collector or arterial streets unless the application provides an RF certification that the applicant's service objectives for the site cannot be met by constructing a similar facility on a collector or arterial street.

Finding. The Group 2 facilities would be located on collector/arterial roadways. The Group 1 facilities would not. The applicant has provided an affidavit noting that moving these facilities to area collector or arterial roadways would not meet Verizon's need to improve service. Note, the city cannot require location on a collector or arterial roadways, as such a requirement would preclude the use of rights-of-way that federal and state law have already deemed acceptable.

Small Wireless Facility Permit Application; Facility Conditions –
City Code §1120.062 Subd.4.

- a) Small wireless facility must be collocated on the particular wireless support structure, under the attachment specifications, and at the height as indicated in the applicable permit application.

Finding. This has been included as a condition of approval.

- b) Small wireless facilities must comply with applicable provisions of section 300 of this code, including, but not limited to, separate requirements.

Finding. This condition is met; see the Telecommunication Ordinance standards (§310) outlined above.

- c) No new wireless support structure installed within the right-of-way may exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure that exceeds 50 feet in height with a structure of

the same height subject to such conditions or requirements as may be imposed in the applicable permit.

Finding. All proposed facilities would be less than 35 feet in height.

- d) No wireless facility may extend more than 10 feet above its wireless support structure.

Finding. This condition is met.

- e) Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of the structure.

Finding. All proposed structures are specifically intended to support wireless facilities.

- f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of the structure.

Finding. All proposed structures would be new; replacement structures are not proposed.

Small Wireless Aesthetic Standards – City Code §1120.063 Subd.4.

- a) All wireless support structures, whether existing, new, or replacement wireless support structures, must:

- 1) Be constructed of aluminum or steel;

Finding: This is included as a condition of approval

- 2) Be the same color as neighboring, similar support structures and of the same design characteristics;

Finding: At all but the proposed Linner Road installation, the closest support structures are wooden utility poles. These are a faded wood color. The closest support structure on Linner Road is brown. Staff recommends the gray color, but the council has the final decision as to which color is most suitable based upon neighboring structures.

- 3) Where constructed as a light pole, luminaire(s) and luminaire arm(s) must match adjacent city lighting standards and must contain an LED fixture in accordance with city specifications.

Finding: No light pole installations are proposed.

- b) Antennas: Antennas must be top-mounted and concealed within a radome (a structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna) or otherwise concealed to the extent feasible. Cable connections, antenna mounts, and other hardware must also be concealed. The radome or other concealment must be non-reflective and painted or otherwise colored to match the wireless support structure.

Finding: As proposed, antennas would be contained within a radome and cable connections, antenna mounts, and other hardware would be screened.

- c) Collocation: Collocations between wireless service providers and with other utilities on the same support structure is required wherever feasible. If an applicant proposes to not collocate in areas where collocation options are or appear to be available, the applicant must document that collocation is infeasible.

Finding: The applicant has indicated that, in areas where utility structures existing, the owner of the facilities (Xcel Energy) is not amenable to the collocation. Therefore, the support structures are not available.

- d) Concealment: Concealment elements must be incorporated into the proposed design of the small wireless facility installation and must include approved camouflaging or shrouding techniques.

Finding: Design 2 includes concealment elements. The applicant contends that the Design 1 also satisfies the requirement because _____. Staff recommends Design 2.

- e) Ground-mounted equipment: Ground-mounted equipment must be installed below grade or, if technically necessary, concealed in a ground-mounted cabinet. In addition to any applicable requirements in this code, ground-mounted cabinets must;
 - 1) be installed flush to the ground;
 - 2) be the same color as neighboring, similar support cabinets or other ground-mounted structures;
 - 3) not interfere in any way with the flow of pedestrian, bicycle, or vehicular traffic when the cabinets adjoin sidewalks, trails, or other similar passageways.
 - 4) conform to the American's with Disabilities Act (ADA), with respect to appropriate sidewalk spacing; and
 - 5) not create a safety hazard.

Finding: This standard is met.

- f) Lights. Unless otherwise required for compliance with Federal Aviation Administration or Federal Communication Commission regulations, wireless facilities shall not include any lights or lighting. This subsection does not prohibit installations on streetlights or the installation of luminaires or additional street lighting on new support structures if and where required by the city. All wireless support structures must be capable of accommodating street lighting to facilitate future street lighting as may be determined by the city.

Finding: No illumination is proposed. However, this has been included as a condition of approval.

- g) Location criteria for new or replacement wireless support structures.
 - 1) New support structures: Any new wireless support structures must be placed:
 - a) a minimum of two lot lines, or approximately 200 feet, whichever is greater, from any existing wireless support structure or utility pole on the same side of the street or right-of-way, and one lot line or approximately 100 feet, whichever is greater when on the opposite sides of the street or right-of-way.
 - b) at a distance which is the same as the prevailing separation distance among existing wireless support structures and poles in the surrounding vicinity as agreed upon by the applicant and City, or determined by the City where agreement cannot be reached;
 - c) as functional streetlights as the City may require, in its reasonable discretion;
 - d) in alignment with existing trees, wireless support structures, utility poles, and streetlights;
 - e) an equal distance between trees when possible, with a minimum of 15 feet of separation such that no proposed disturbance shall occur within the critical root zone of any tree;
 - f) with appropriate clearance from existing utilities;
 - g) outside of a 20-foot equipment clear zone (for base cabinets less than 18 inches in diameter) of 30-foot clear sight triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners;

- h) so as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level;
- i) so as not to significantly create a new obstruction to property sight lines;
- j) at shared property lines if feasible;
- k) not within 50 feet of the apron of a fire station or other emergency service responder facility.

Finding: The application meets the locational requirements except for 200-foot spacing from utility poles. The city attorney has advised that state law allows the city to impose separation requirements from other wireless structures; the city cannot enforce the separation requirement from utility poles that have no wireless facilities.

- 2) Replacement of city-owned support structures: Any replaced wireless support structures shall remain in their existing location unless otherwise permitted by the city. Replacement pole height shall not exceed 50 feet or the height of the existing utility pole or wireless support structure, whichever is greater.

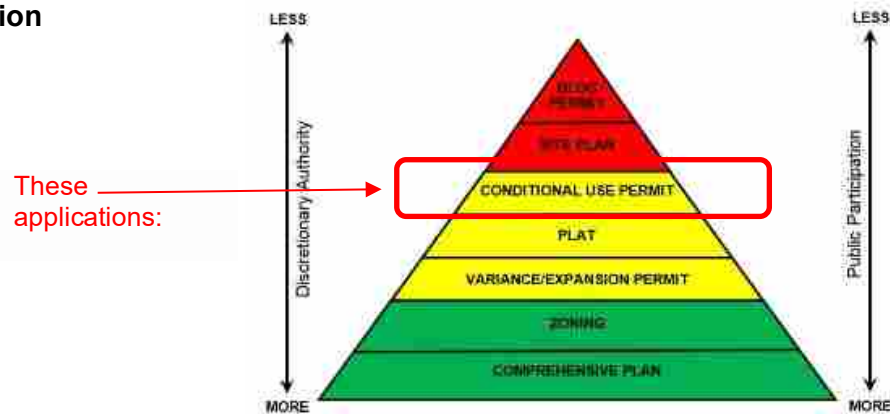
Finding: All proposed structures would be new; replacement structures are not proposed.

- 3) Obstructions: Any new wireless support structure or other facilities associated with a new or existing wireless support structure must not obstruct access to:
 - a) Any existing above-ground or underground right-of-way user facilities, or public facilities;
 - b) Any public infrastructure for traffic control, streetlight, or public transportation purposes, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
 - c) Any public transportation vehicles, shelters, street furniture, or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike-share stations);
 - d) Fire hydrants;

- e) Any doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or
- f) Any fire escapes.

Finding: The proposed installations would not obstruct access to the services or items outlined.

Pyramid of Discretion



Motion Options

The planning commission has four options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolutions approving the proposal.
2. Concur with the staff recommendation for approval, but with modifications. In this case, a motion should be made recommending the city council adopt the resolutions approving the proposal, but with specified modifications to the resolutions.
3. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the proposal. This motion must include a statement as to why denial is recommended.
4. 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 274 area property owners and has received nine written comments, which are attached.

Deadline for Action

May 22, 2021

February 3, 2021

City of Minnetonka Council and Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: Verizon Wireless Applications for Conditional Use Permits for Six (6) Small Wireless Facilities
Located in City Rights-of-Way

Dear Council Members and Members of the Planning Commission:

Our law firm represents Verizon Wireless in its efforts to improve wireless phone and data service in the City of Minnetonka, which includes the installation of ten (10) small wireless facilities within public rights-of-way in the City during 2021. Pursuant to Section 310.03 of the Minnetonka Telecommunication Ordinance (the “Telecom Ordinance”), four of the sites are permitted uses and six of the sites require conditional use permits. As explained below, the applications comply with the Telecom Ordinance and State and Federal law. Verizon Wireless respectfully requests approval of the applications. Please include this letter as part of the public record.

The proposed sites will directly benefit the residents of the City of Minnetonka. Verizon Wireless only installs facilities in locations in which there is a demand. When Verizon Wireless first installed macro (large tower) sites in Minnetonka over 30 years ago, the facilities met the demand for mobile phones that were primarily used while traveling outside of one’s home. Now, for most people, the only phone(s) in a residence are mobile phones.¹ As we all know, we use our phone and other wireless devices for normal calls, 911 calls, on-line shopping, virtual doctor visits, e-mails, navigation, video conferencing and many other applications.

To meet this demand, installations in single-family neighborhoods are necessary because small cell facilities must be deployed in relatively close proximity to the end customer, which are City residents. As explained in the Affidavit of Chad Loecker, RF Engineer for Verizon Wireless, the proposed small wireless facilities will utilize low-power radios that broadcast signals approximately 500 to 1000 feet in each direction.

The applications comply with the Telecom Ordinance and State and Federal law. In 2017, the Minnesota Legislature amended Minnesota Statutes sections 237.162 and 237.163 to provide for the safe, efficient, and convenient deployment of small cells within a municipality’s public rights-of-way and to provide that the placement of small wireless facilities and small wireless poles are a permitted use in a public right-of-way except that a City may require a conditional use permit to install a new small wireless pole in a district zoned for single-family residential use. The City’s Telecom Ordinance is consistent with this State mandate.

¹ In the last six months of 2019, 61.3% of adults and 70.3% of children lived in wireless-only households. For those in the 25-34 age group, over 80% live in wireless-only households. See *September 2020 report from the Centers for Disease Control and Prevention, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2019 at p. 1, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202009-508.pdf>.*

City of Minnetonka
February 3, 2021

When Verizon Wireless was designing the installations for the 10 small wireless facilities planned for 2021, it first looked at the availability and capacity of existing structures in the needed service areas, and 3 out of the 10 will be installed on Xcel utility poles. An example of one of these installations is the Equestrian SC1 4 site located on Orchard Road. Verizon Wireless also determined whether there were non-residentially zoned areas that could be utilized, and the Tonka SC 10 pole will be located in a business district on the corner of Excelsior Blvd. and Baker Rd, adjacent to a gas station and U-Haul center. Again, these four sites are permitted uses pursuant to the Telecom Ordinance and State law, and Verizon Wireless has applied for and/or received the applicable right-of-way permit for each site.

For the six CUP application sites, however, an existing structure was not available, and the sites had to be located in the needed service areas, which are single-family residential areas. Verizon Wireless also determined whether any of the six sites could be located on collector or arterial streets as required by the City's Telecom Ordinance, and half of the sites (Tonka SC7, Tonka SC8 and Tonka SC 13) are located on or adjacent to collector or arterial streets.

Regarding the particular aesthetics of the six sites, the City Code provides that the poles be constructed of steel or aluminum and be the same color as neighboring similar structures. Verizon Wireless's design team colored two of the poles brown, and the other four are grey. Verizon Wireless is willing to change the colors as a condition of the CUPs.

Finally, although the proposed small cell sites will be an integral part of Verizon Wireless's improved communications network that it has been constructing in Minnetonka for over 30 years, both the City Code and State regulations require the sites to be relocated at Verizon Wireless's expense when it is necessary to prevent interference in connection with: (1) a present or future local government use of the right-of-way for a public project; (2) the public health or safety; or (3) the safety and convenience of travel over the right-of-way.

Conclusion. Verizon Wireless respectfully requests approval of the six CUP applications.² Verizon Wireless representatives and I will attend the Planning Commission and City Council meetings to answer any questions related to the applications. Verizon Wireless looks forward to improving its phone service in Minnetonka.

Sincerely,



Anthony A. Dorland
Attorney at Law
(612) 877-5258
Anthony.Dorland@lawmoss.com

² Pursuant to federal law, the City has 90 days to review an application to deploy a small wireless facility using a new structure, and an applicant must be notified of material incompleteness on or before the 10th day after submission. 47 CFR Section 1.6003.

AFFIDAVIT OF CHAD LOECKER

My name is Chad Loecker, and I am currently employed as a Radiofrequency Engineer for Verizon Wireless. My office address is 4002 S 149th Circle, Omaha, NE 68137.

I can affirmatively state and testify to the following:

1. I am the Radiofrequency Engineer responsible for designing certain portions of Verizon Wireless's communications network in Minnetonka, Minnesota. To this extent, I am familiar with our wireless network within the City of Minnetonka.
2. In order to provide improved wireless phone and data service within the City, we are planning to install ten (10) small wireless facilities within rights-of-way in the City. The general location and description of each facility is identified on the attached **Exhibit A**.
3. Verizon Wireless's proposed small wireless facilities will utilize low-power radios that broadcast signals approximately 500-1000 feet in each direction depending on nearby topography, vegetation, and improvements. In addition, the signal generated by these small wireless facilities does not travel well through buildings or dense foliage. For these reasons, Verizon must place the small wireless facilities in close proximity to the needed service area. Please note that these facilities are not speculative — each of the ten (10) sites will meet a current need for improved service in the service area.
4. Consistent with Section 310.03 of the Minnetonka Telecommunication Ordinance (the "Telecom Ordinance"), the small cell facilities will operate within low band blocks 200-806, 824-849 and 869-894 or high band blocks 1710-1730, 1900-1910, 1980-1990 and 2110-2130.
5. In choosing the specific location within the right-of-way for each site, Verizon Wireless determines whether there are nearby utility poles that can be utilized, instead of installing a new pole. For three (3) of the ten sites, we are able to collocate the small wireless equipment on Xcel Energy utility poles. I understand that these installations are permitted uses pursuant to State law and the City's Telecom Ordinance, subject to obtaining the appropriate right-of-way permit. An example of one of these installations is attached as **Exhibit B**. Although we will be obtaining electric service from Xcel for the other seven (7) sites, Xcel will not allow collocations on any other utility poles due to safety considerations and lack of capacity.
6. Consistent with the City's Telecom Ordinance, we determined whether there are non-residentially zoned areas that can be used instead of installing a new small cell pole in a right-of-way adjacent to residentially-zoned properties. The Tonka SC 10 pole will be located in a business district on the corner of Excelsior Blvd. and Baker Rd, adjacent to a gas station and U-Haul center. The other nine sites, however, are servicing residential areas, and there are no non-residentially zoned areas available that will meet our service objectives for these residential areas.
7. Consistent with the City's Telecom Ordinance, we also determined whether the new small cell poles could be located within the rights-of-way of collector or arterial streets, and 6 of the 10 sites will be located within the rights-of-way of collector or arterial

streets. The nearest collector or arterial street to the Blaise SC3 and SC4 sites in the northwest part of the City is Wayzata Blvd. East, and a site that far north would not meet our need to improve service in the residential areas to the south. Oakland Road is the nearest collector or arterial street to the Equestrian SC 1 2 site, but it is located too far north and west to meet our service objectives. Finally, the Tonka SC8 site is located on the corner of Deerwood and Baker Rd., which is a collector street. Moving the site farther north on Baker would not provide the needed service for the residential areas to the south, and moving the site further south on Baker would bring it too close to the Tonka SC 10 site.

Further affiant sayeth not.



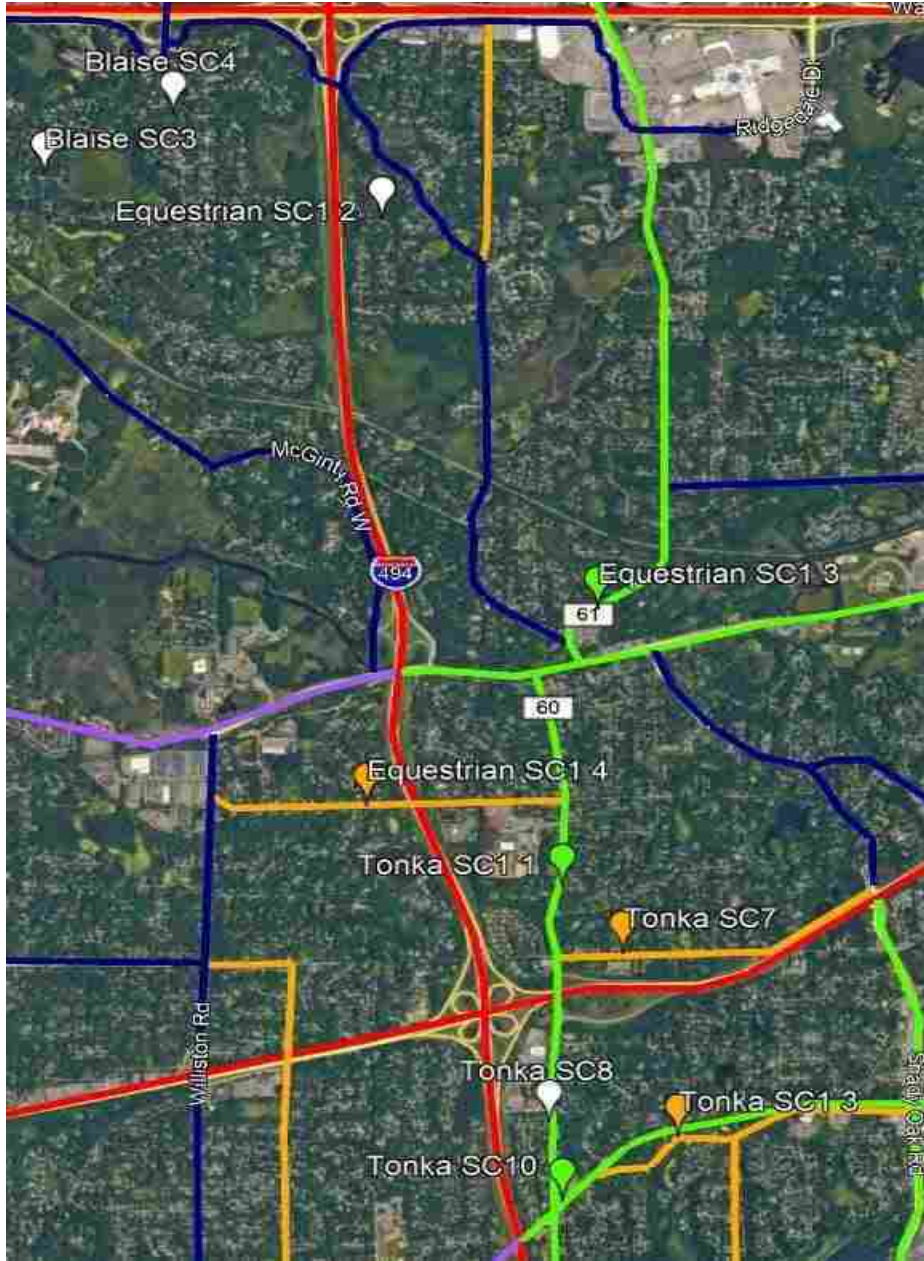
STATE OF Nebraska)
)
COUNTY OF Deer)

The foregoing instrument was acknowledged before me this 1st day of February, 2021, by Chad Leeder, Radiofrequency Engineer for Verizon Wireless.

State of Nebraska – General Notary
DREW R. BEERS
My Commission Expires
March 16, 2024

Drew R. Beers
Notary Public, Drew R. Beers
My Commission Expires: 3-16-2024
County Deer, State of Nebraska
Acting in Deer County, Nebraska

EXHIBIT A



Site Name	Zoning	Location	Description
Blaise SC4	CUP	Linner Rd.	VZW pole in City ROW
Blaise SC3	CUP	Holdridge Dr.	VZW pole in City ROW
Equestrian SC1 2	CUP	Indian Rd. W.	VZW pole in City ROW
Equestrian SC1 3	P	Plymouth Rd, collector	Xcel pole in County ROW
Equestrian SC1 4	P	Orchard Rd, collector	Xcel pole in City ROW
Tonka SC1 1	P	Baker Rd, collector	Xcel pole in County ROW
Tonka SC7	CUP	Lake St. Extension, collector	VZW pole in City ROW
Tonka SC8	CUP	Deerwood and Baker Rd	VZW pole in City ROW
Tonka SC 1 3	CUP	Pioneer Rd, collector	VZW pole in City ROW
Tonka SC 10	P	Excelsior/Baker business district	VZW pole in County ROW

EXHIBIT B



A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.885.1032 VOICE
 952.405.6088 FAX
 www.edgeconsul.com

CLIENT:
verizon
 10851 BUSH LAKE RD
 BLOOMINGTON, MN 55458
 952.286.4694 VOICE

PHOTO SIMULATION
 LOCUS TRAIL
 MINNETONKA, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

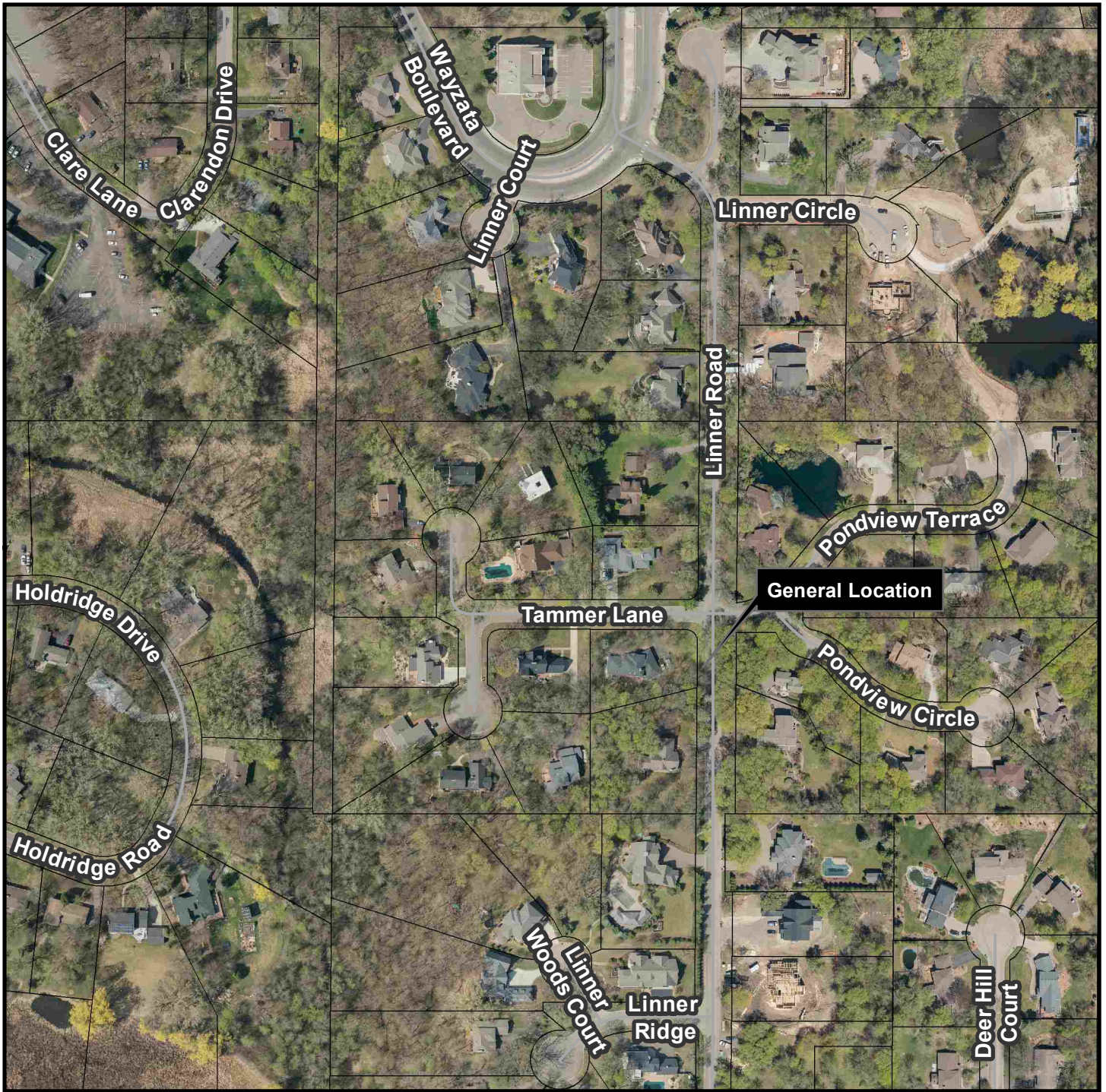
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LOCATION CODE:	499013
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STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
NA	NA

SUBMITTAL:		
INT. DATE:	DESCRIPTION:	
JDM 01/20/2021	PHOTOSIM	

CHECKED BY:	OGD
PLOT DATE:	1/20/2021
PROJECT NUMBER:	20160
SET TYPE:	FINAL

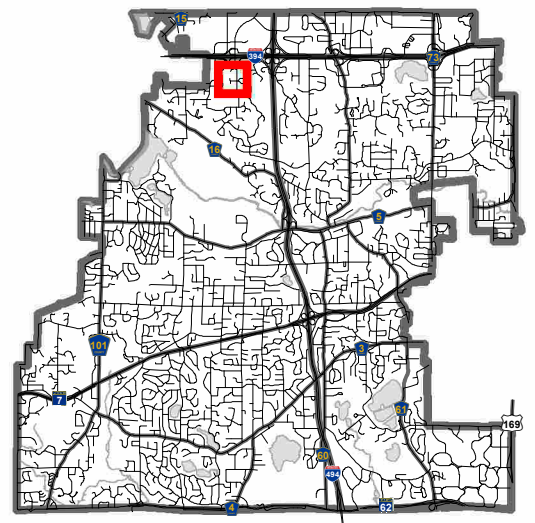
SHEET NUMBER **T-901**

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Location Map

Project: Verizon Small Cell Wireless
Location: Linner Road and Tammer Lane



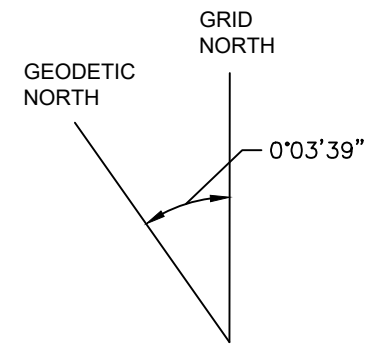
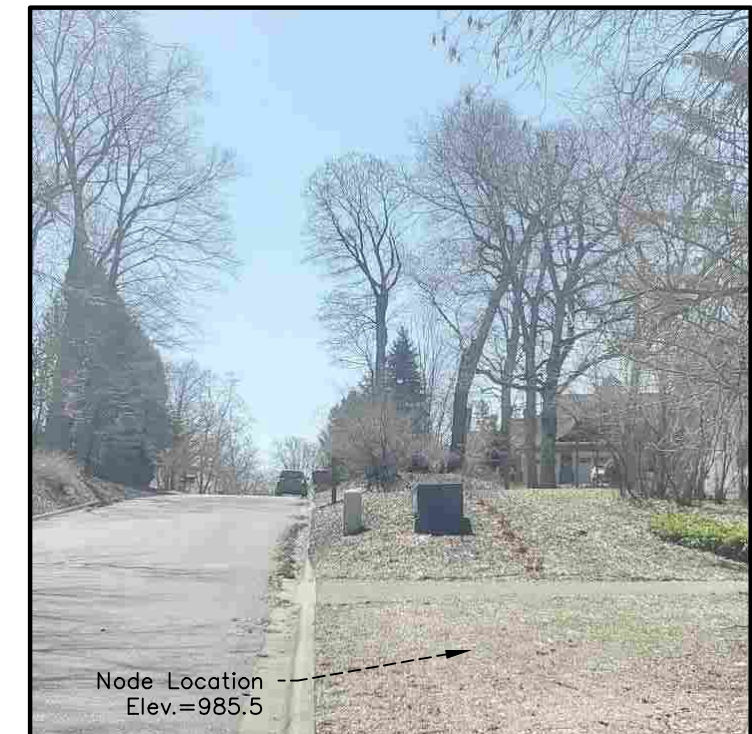
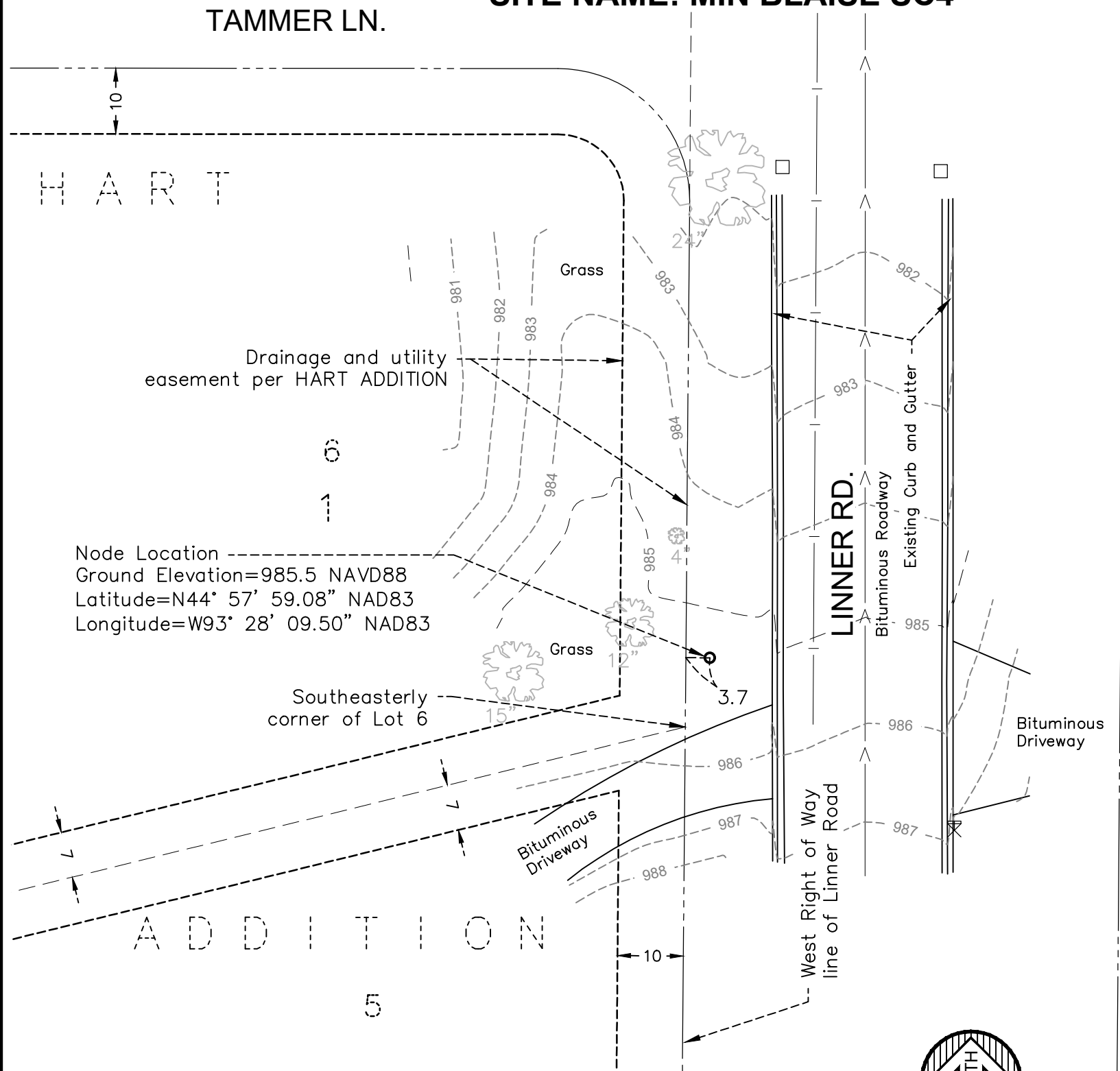
SITE LOCATION SURVEY FOR:

DESIGN 1

SITE LOCATION: Linner Rd. and Tammer Ln. Minnetonka, MN

SITE NAME: MIN BLAISE SC4

TAMMER LN.

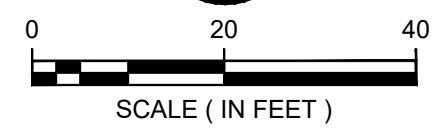
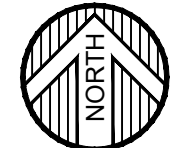


SURVEYOR NOTE:

- 1.) The orientation of the survey is based on the Hennepin County, MN Coordinate System, NAD83, 2011 Adj.
- 2.) No boundary work was performed in preparation of the exhibit. The right of way line depicted hereon is based on Hennepin County Resurvey coordinates and the plat HART ADDITION.
- 3.) Existing Utilities, services and underground structures shown hereon were located either physically, from existing records made available to us or markings from GOPHER STATE ONE CALL Locate Request Ticket No. 200993466, dated April 8, 2020. Verification and location of all utilities should be obtained prior to any design, planning and excavation.
- 4.) The field work for this survey was performed on April 14, 2020.

LEGEND

	MAILBOX
	TREE DECIDUOUS
	CATCH BASIN
	SANITARY MANHOLE
	WATERMAIN
	SANITARY SEWER
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE



DATE: 2/19/2021
SCALE: AS SHOWN
DRAWN BY: JMB
CHECKED BY: BTB
FILE NUMBER: 2020-10495





1 EXISTING PHOTO
SCALE: N/A



2 PROPOSED IMAGE
SCALE: N/A

NOT FOR
CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

verizon

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438

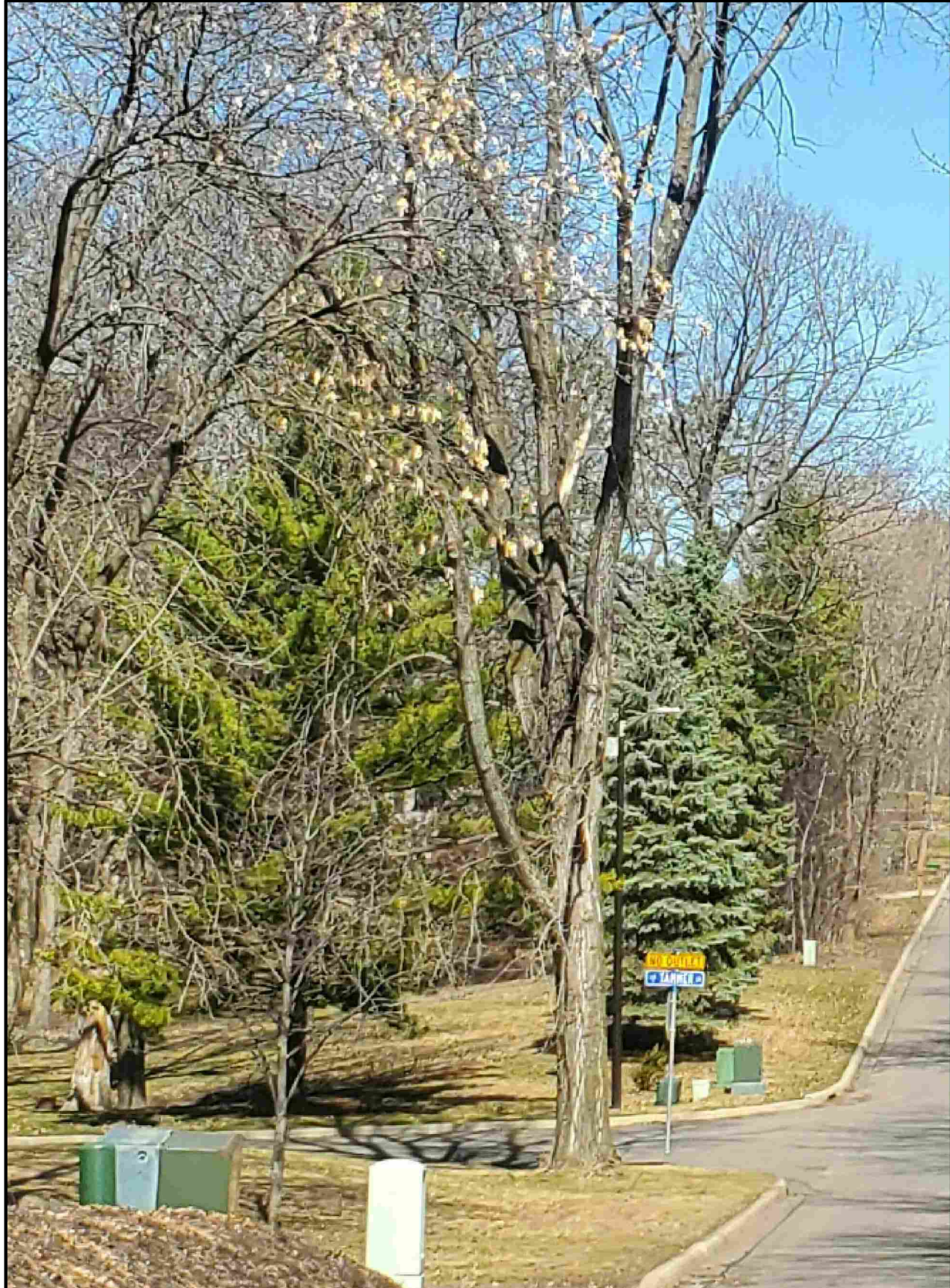
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LOC. CODE: 492964

MIN
BLAISE SC

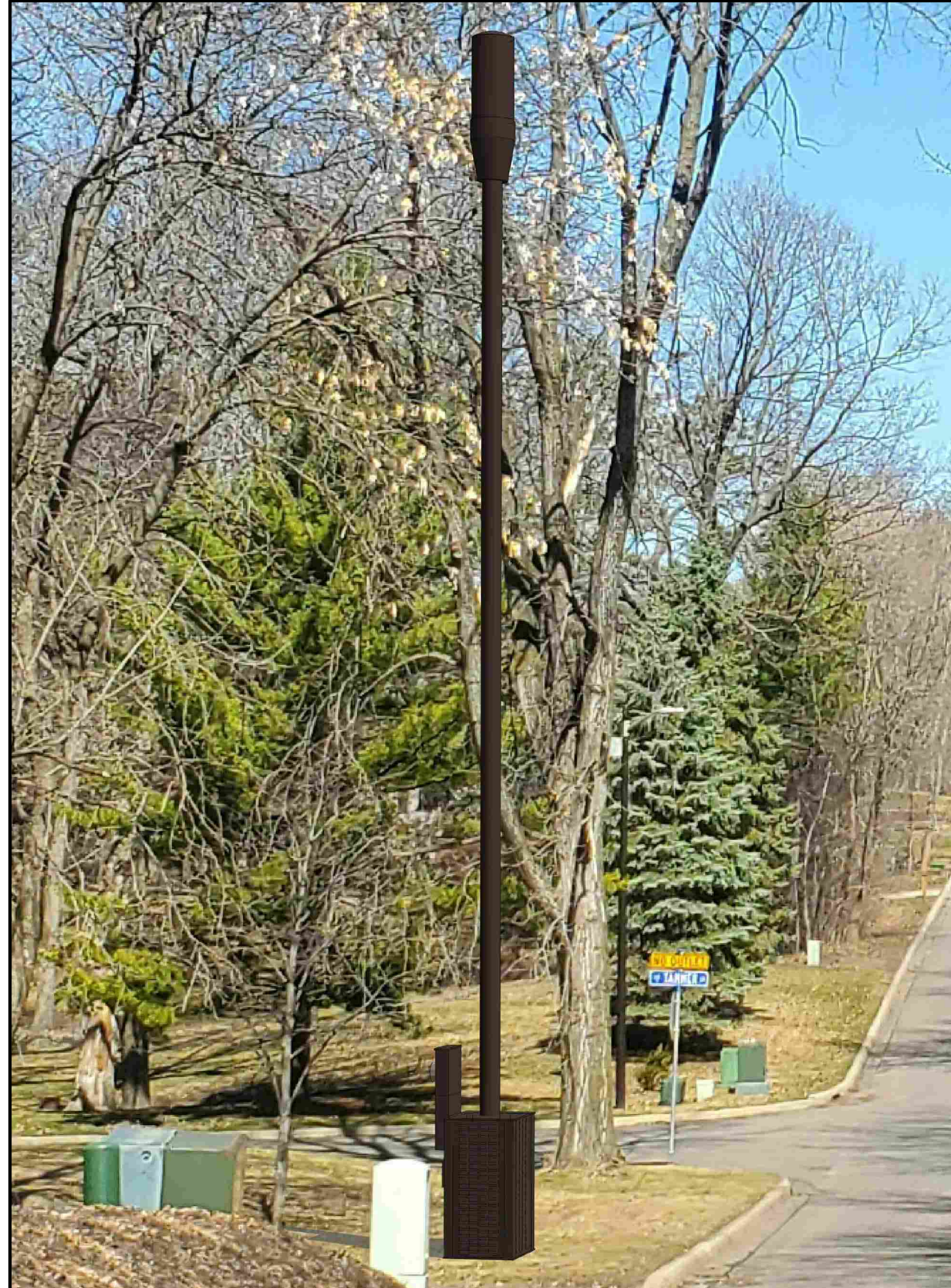
SHEET CONTENTS:
PHOTO SIMULATION

DRAWN BY:	MJS
DATE:	01-26-21
CHECKED BY:	TAB
v.2	01-28-21

PS-SC4



1 EXISTING PHOTO
SCALE: N/A



2 PROPOSED IMAGE
SCALE: N/A

NOT FOR
CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

verizon

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438

PROJECT
20181794770
LOC. CODE: 492964

MIN
BLAISE SC

SHEET CONTENTS:
PHOTO SIMULATION

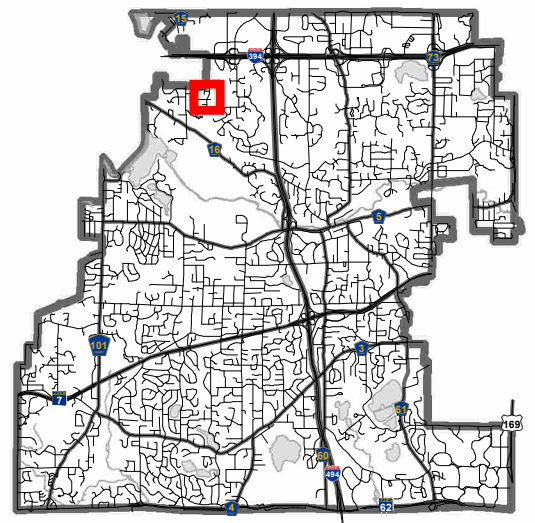
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v.3	03-03-21

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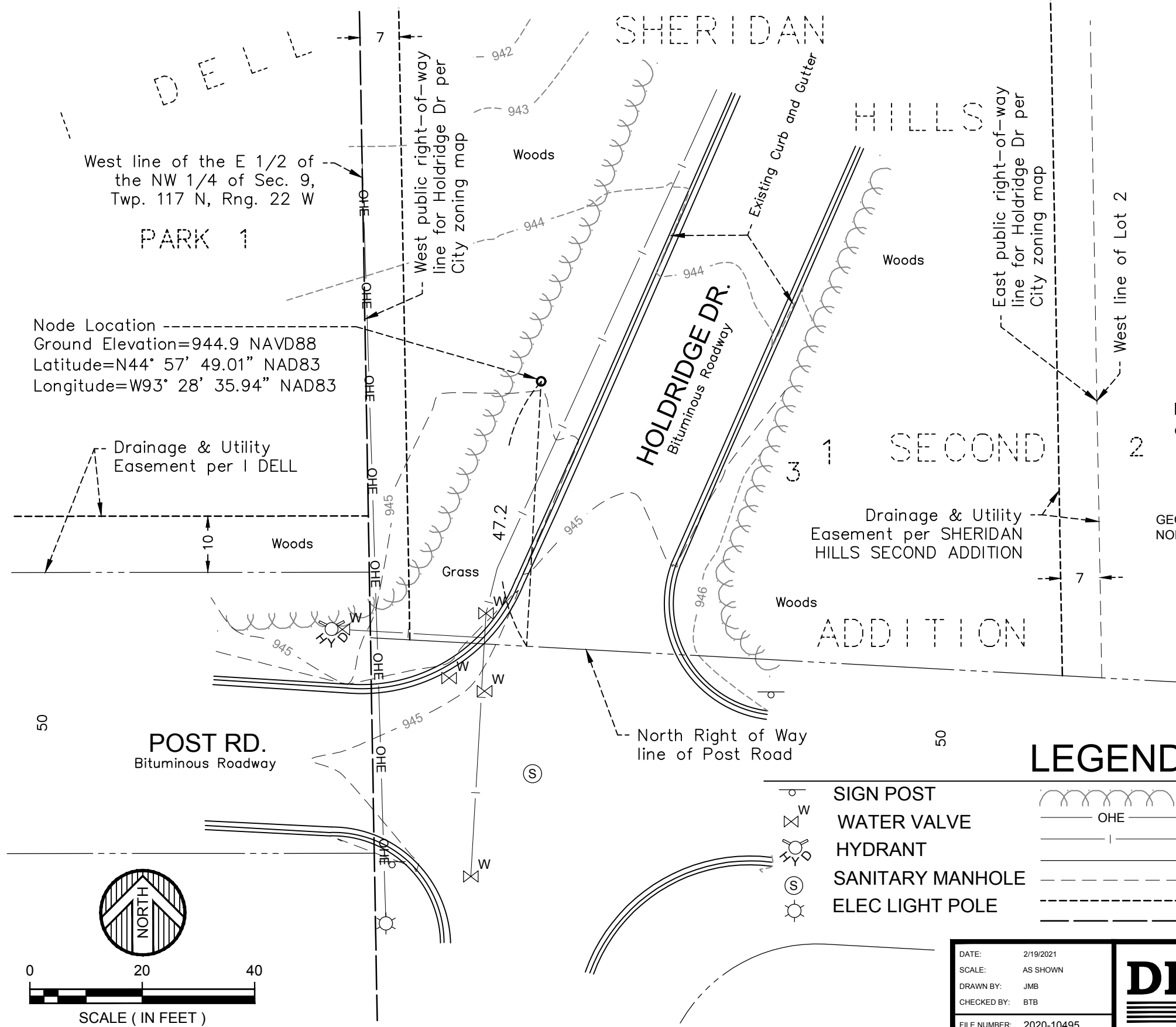


Location Map

Project: Verizon Small Cell Wireless
Location: Holdridge Drive and Post Road

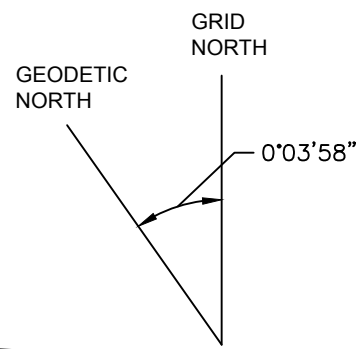


SITE LOCATION SURVEY FOR:
DESIGN 1
SITE LOCATION: Post Rd. and Holdridge Dr. Minnetonka, MN
SITE NAME: MIN BLAISE SC3



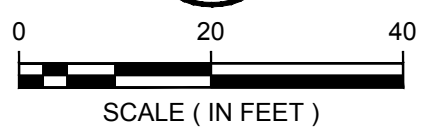
NOTE: The Hennepin County tax records do not list a parcel ID or an owner for Lot 3, Block 1, SHERIDAN HILLS SECOND ADDITION.

- SURVEYOR NOTE:**
- 1.) The orientation of the survey is based on the Hennepin County, MN Coordinate System, NAD83, 2011 Adj.
 - 2.) No boundary work was performed in preparation of the exhibit. The right of way line depicted hereon is based on Hennepin County Resurvey coordinates and the plat SHERIDAN HILLS SECOND ADDITION.
 - 3.) Existing Utilities, services and underground structures shown hereon were located either physically, from existing records made available to us or markings from GOPHER STATE ONE CALL Locate Request Ticket No. 200993413, dated April 8, 2020. Verification and location of all utilities should be obtained prior to any design, planning and excavation.
 - 4.) The field work for this survey was performed on April 14, 2020.



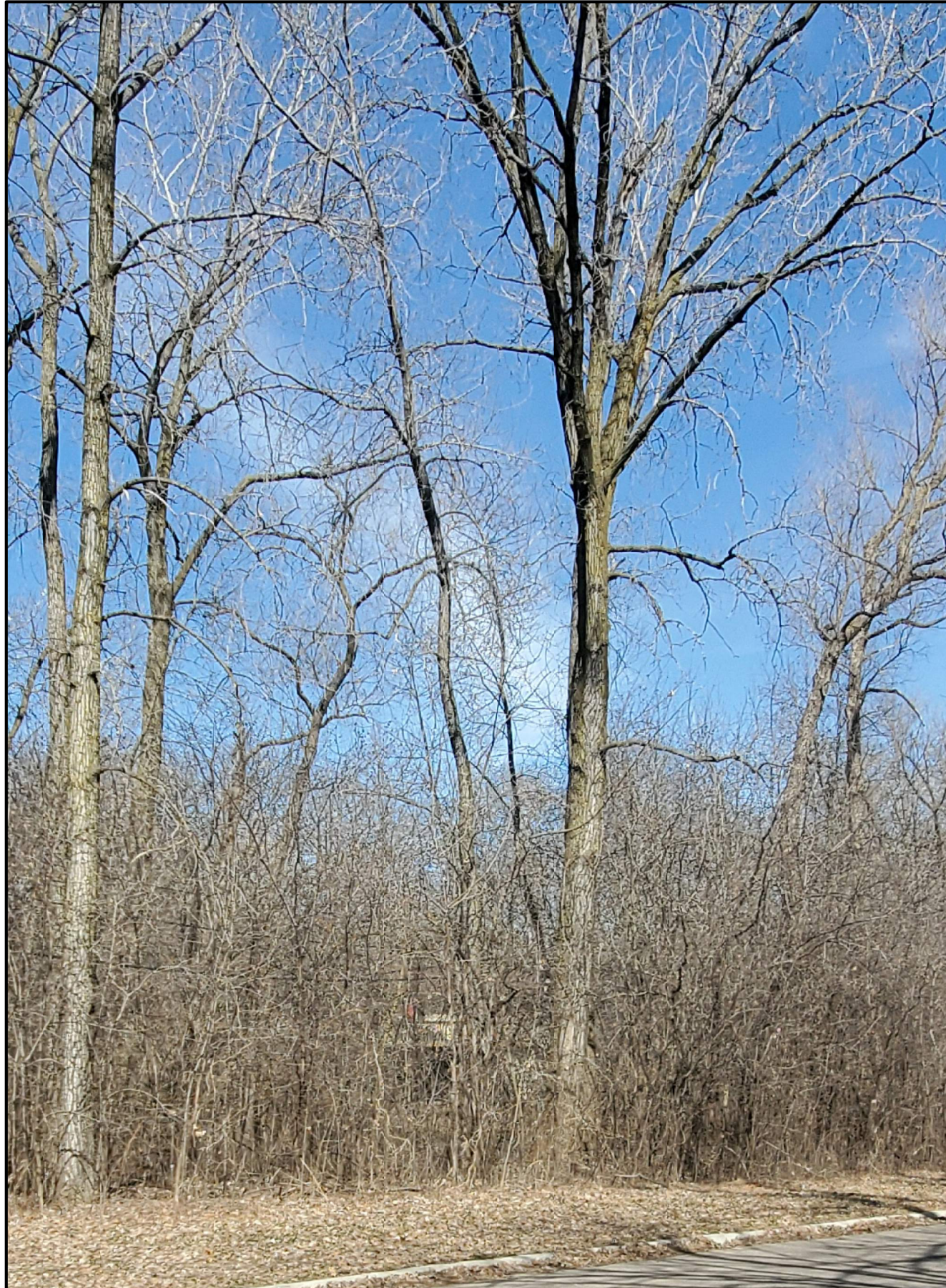
LEGEND

	SIGN POST		EDGE OF WOODS
	WATER VALVE		OVERHEAD ELEC WATERMAIN
	HYDRANT		RIGHT OF WAY LINE
	SANITARY MANHOLE		LOT LINE
	ELEC LIGHT POLE		EASEMENT LINE
			SIXTEENTH LINE



DATE: 2/19/2021
 SCALE: AS SHOWN
 DRAWN BY: JMB
 CHECKED BY: BTB
 FILE NUMBER: 2020-10495





1 EXISTING PHOTO
SCALE: N/A



2 PROPOSED IMAGE
SCALE: N/A

NOT FOR
CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

verizon

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438

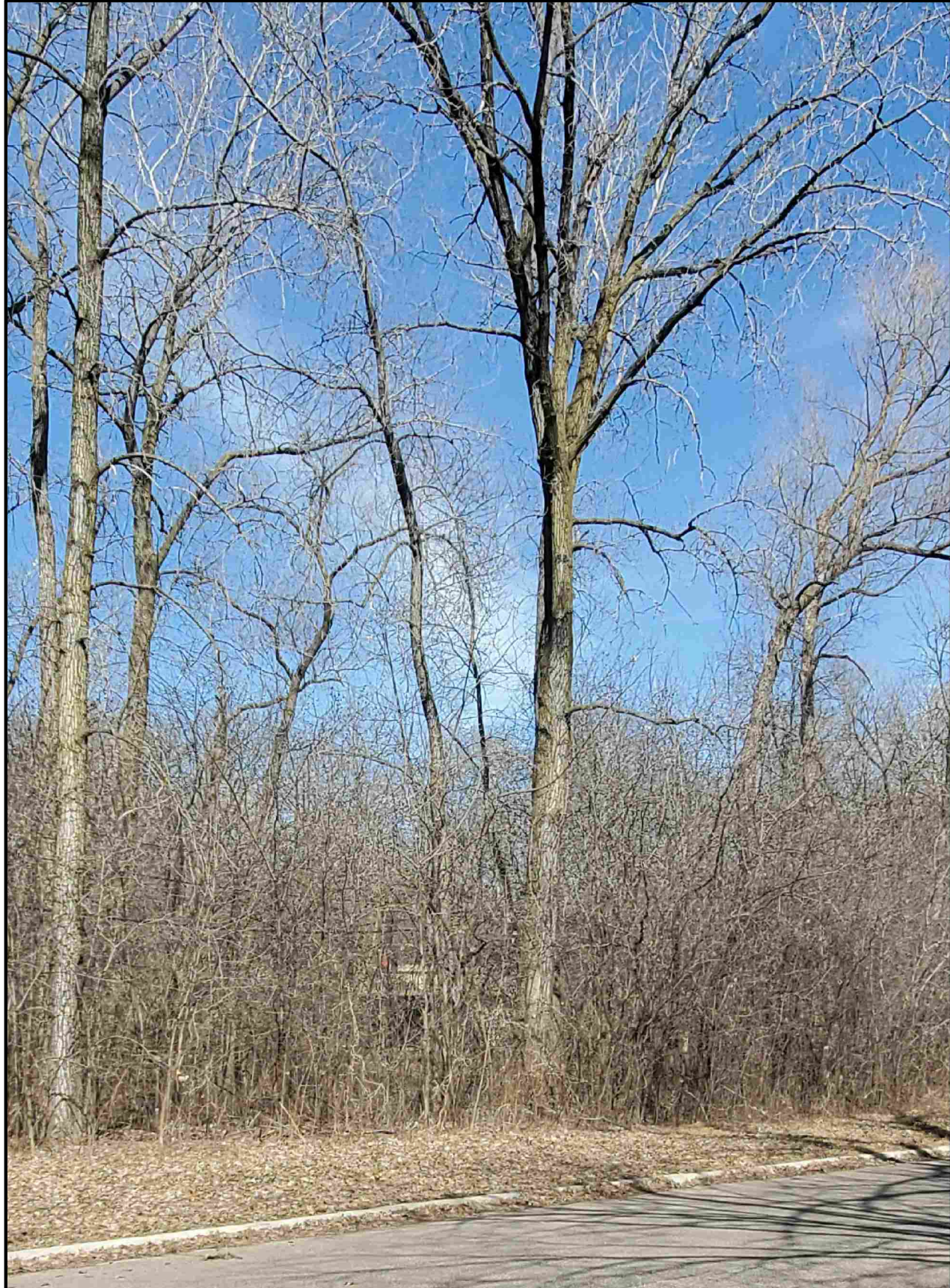
PROJECT
20181794769
LOC. CODE: 492963

MIN
BLAISE SC

SHEET CONTENTS:
PHOTO SIMULATION

DRAWN BY:	MJS
DATE:	01/26/21
CHECKED BY:	TAB
v.1	01-27-21

PS-SC3



1 EXISTING PHOTO
SCALE: N/A



2 PROPOSED IMAGE
SCALE: N/A

NOT FOR
CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

verizon

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438

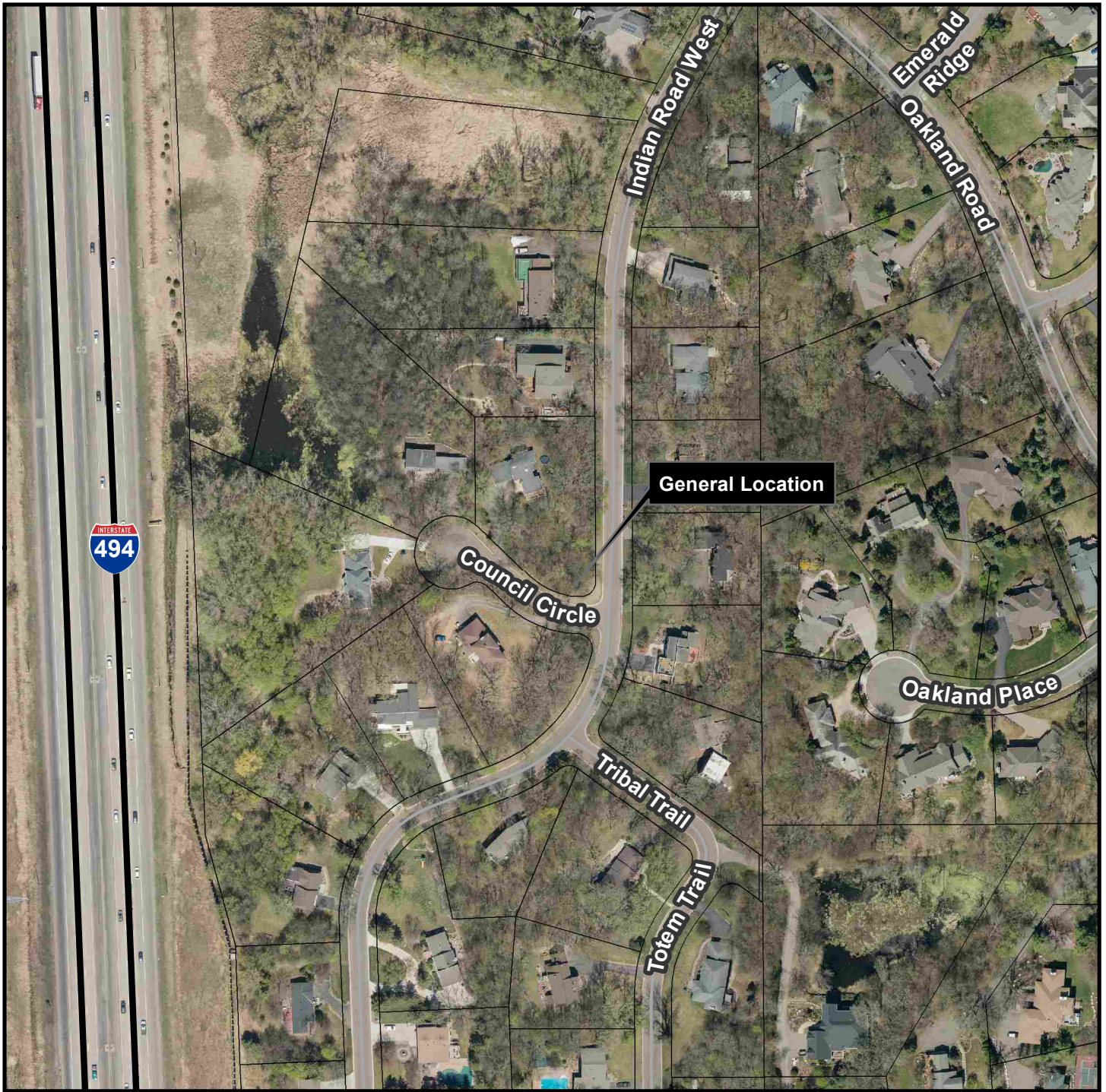
PROJECT
20181794769
LOC. CODE: 492963

MIN
BLAISE SC

SHEET CONTENTS:
PHOTO SIMULATION

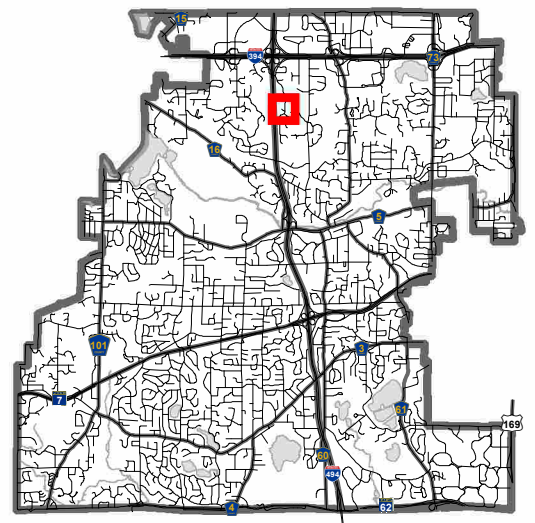
DRAWN BY:	MJS
DATE:	01-26-21
CHECKED BY:	TAB
v.1	01-27-21
v.2	03-03-21

PS-SC3



Location Map

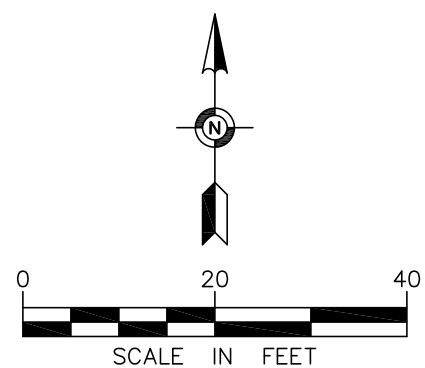
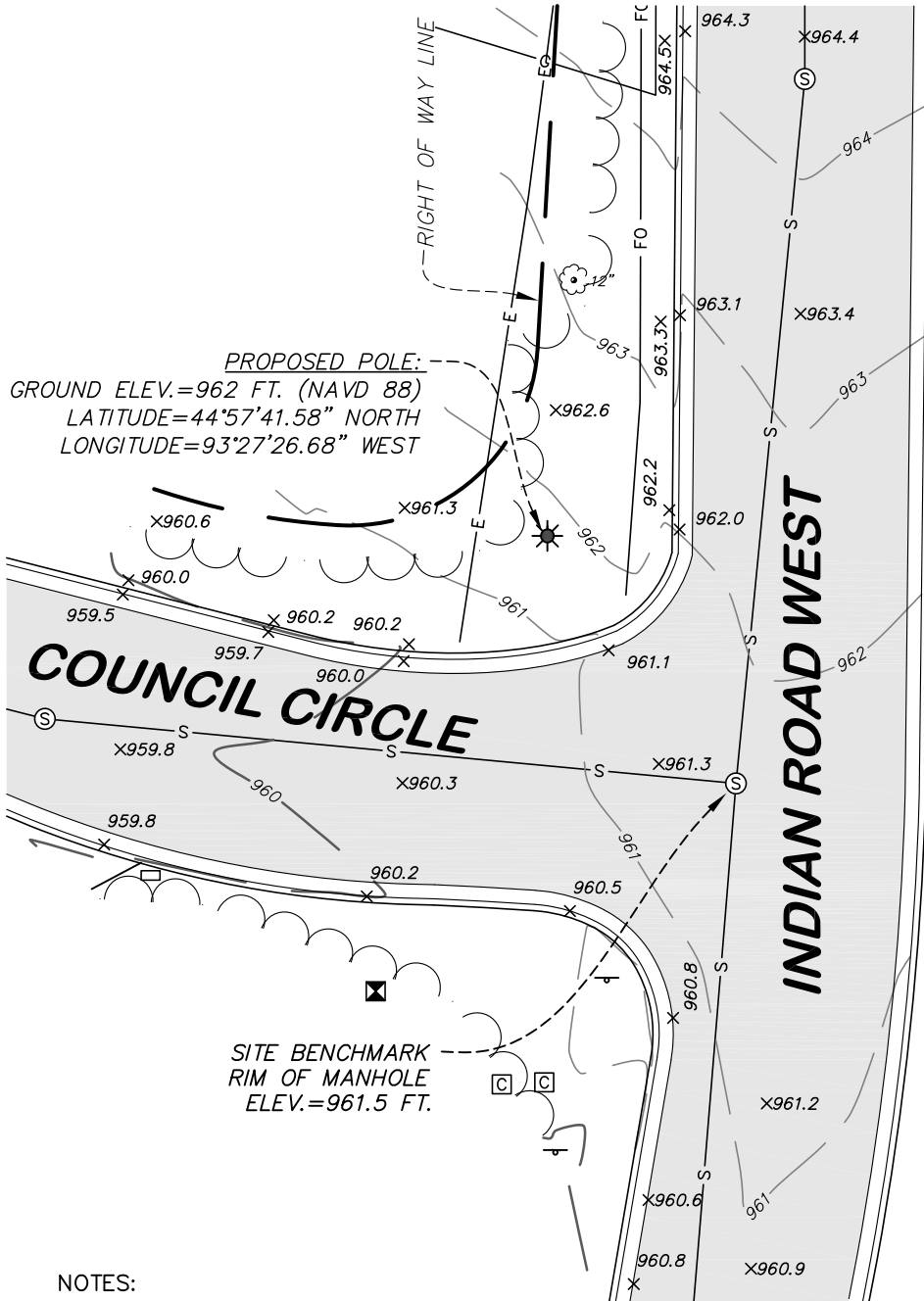
Project: Verizon Small Cell Wireless
Location: Indian Road W and Council Circle



**SITE LOCATION SURVEY FOR:
EDGE CONSULTING ENGINEERS, INC.**

SITE LOCATION: Indian Road West and Council Circle, Minnetonka, Minnesota

SITE NAME: MIN EQUESTRIAN SC2



NOTES:

1. The orientation of this survey is based on the Hennepin County, Minnesota Coordinate Grid, NAD 83-2011 Adjustment.
2. Elevations shown hereon are based on the MNDOT VRS Network, Adjusted Vertical Datum of 1988 (NAVD 88).
3. Complete boundary work was not performed in the preparation of this exhibit. Right-of-way lines depicted hereon were based on found monumentation.
4. Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 200770675. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
5. The field work for this survey was performed on March 30, 2020.

LEGEND

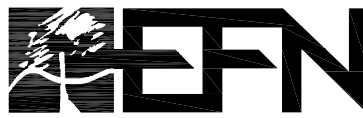
- ⊙ SANITARY MANHOLE
- ⊠ ELECTRIC BOX
- COMMUNICATION BOX
- ↑ SIGN
- S— SANITARY SEWER
- E— UNDERGROUND ELECTRIC
- FO— UNDERGROUND FIBER OPTIC
- G— UNDERGROUND GAS
- ~~~~~ TREELINE
- x949.5 SPOT ELEVATION
- 949 EXISTING CONTOUR LINE
- ☼ DECIDUOUS TREE
- ▭ BITUMINOUS SURFACE

EFN PROJECT NO. 36900

SITE LOCATION SURVEY FOR:

EDGE CONSULTING ENGINEERS, INC.

SITE LOCATION: Indian Road West and Council Circle, Minnetonka, Minnesota



Egan, Field & Nowak, Inc.

land surveyors since 1872

1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM

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A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:

 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MINNESOTA
 MINNETONKA, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO: 20181926405
 LOCATION CODE: 499311
 RFDS DATE: 03/27/2020

STRUCTURAL ANALYSIS:
 DATE: DESCRIPTION:
 N/A N/A

SUBMITTAL:
 INT. DATE DESCRIPTION:
 JDM 01/26/2021 PHOTOSIM

CHECKED BY	OGD
PLOT DATE	1/26/2021
PROJECT NUMBER	20158
SET TYPE	FINAL
SHEET NUMBER	T-901

© EDGE CONSULTING ENGINEERS, INC

\\edgenas03\MIN_projects\2018\20181926405\CAD\PSI\Print\T-901.dgn



A

PHOTOGRAPH BEFORE SIMULATION

B

PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

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 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:

 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MIN EQUESTRIAN SC2
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	20181926405
LOCATION CODE:	499311
RFDS DATE:	03/27/2020

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	03/04/2021	PHOTOSIM

CHECKED BY:	OGD
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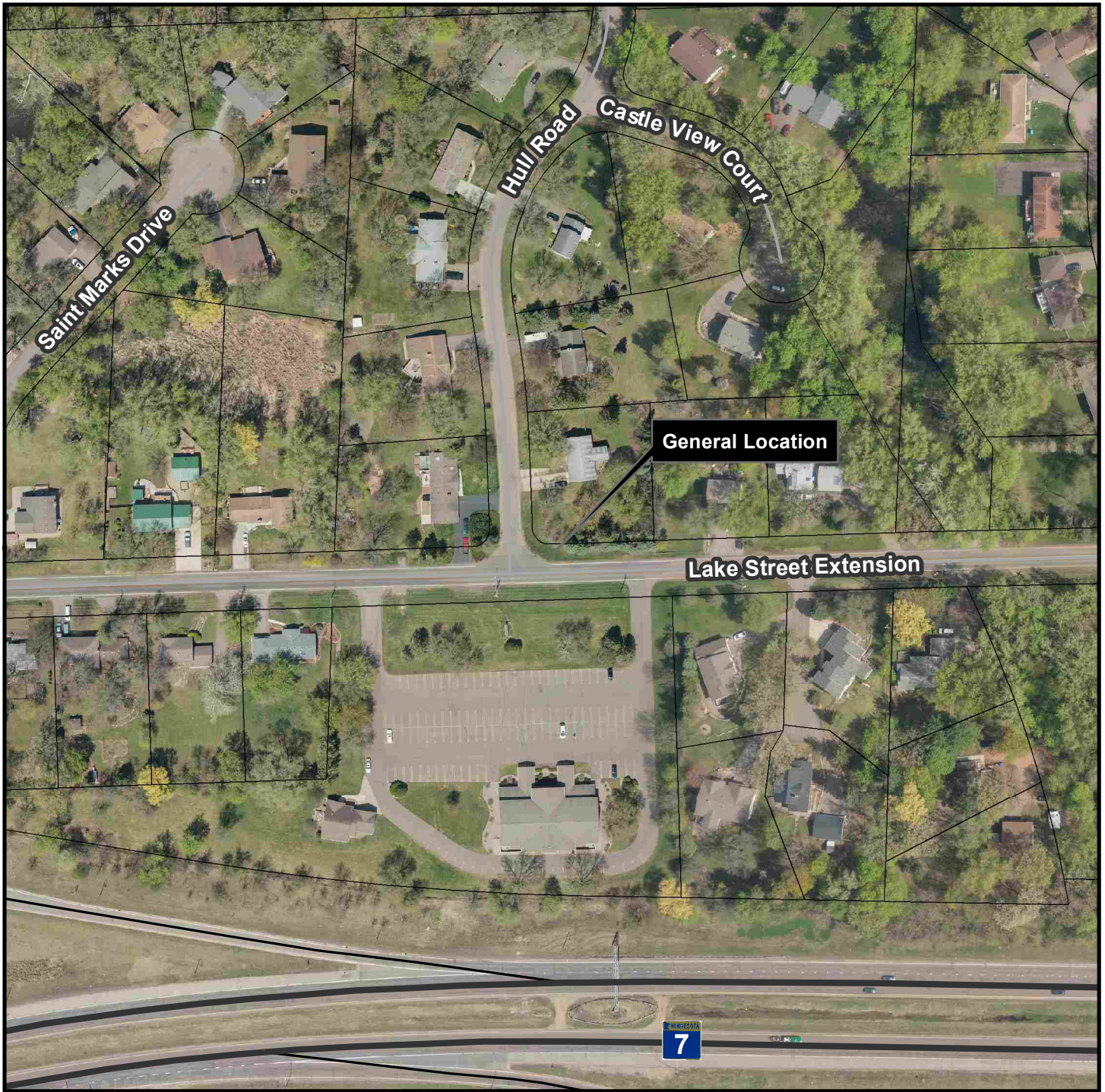
PLOT DATE:	3/4/2021
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PROJECT NUMBER:	20158
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SET TYPE:	DRAFT
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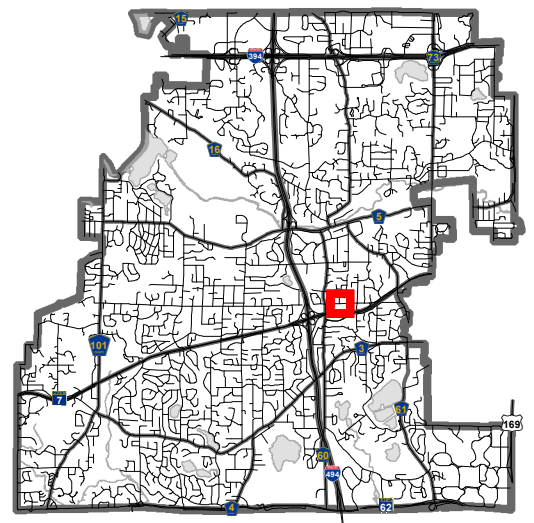
SHEET NUMBER:	T-901
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\\edgengs03\MIN_projects\2010020158\CAD\PS\Print\T-901.dgn



Location Map

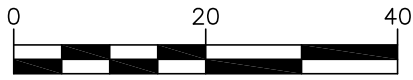
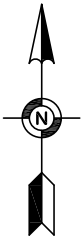
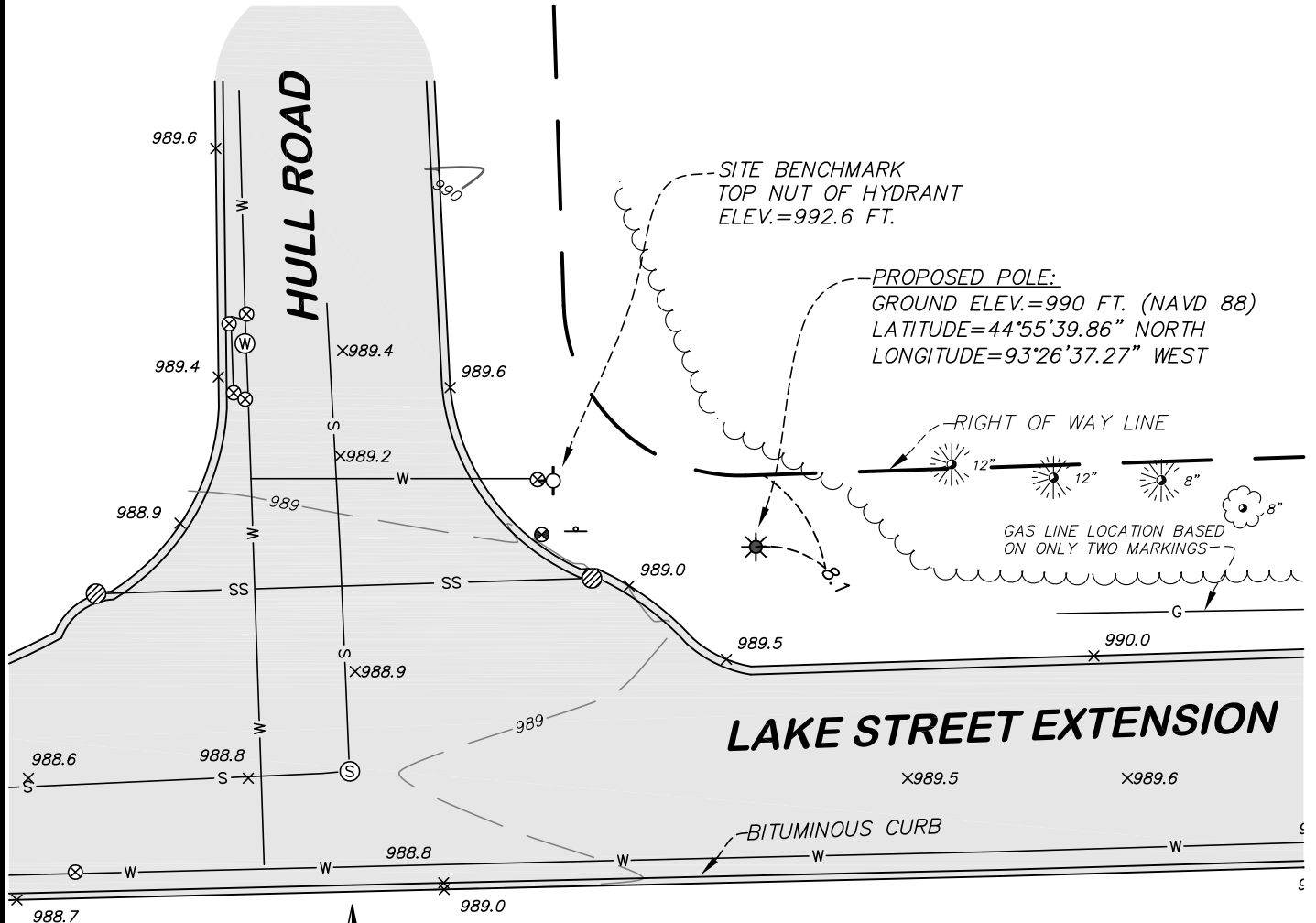
Project: Verizon Small Cell Wireless
Location: Lake Street Ext and Hull Road



**SITE LOCATION SURVEY FOR:
EDGE CONSULTING ENGINEERS, INC.**

SITE LOCATION: Lake Street Extension and Hull Road, Minnetonka, Minnesota

SITE NAME: MIN TONKA SC7



SCALE IN FEET

NOTES:

- The orientation of this survey is based on the Hennepin County, Minnesota Coordinate Grid, NAD 83-2011 Adjustment.
- Elevations shown hereon are based on the MNDOT VRS Network, Adjusted Vertical Datum of 1988 (NAVD 88).
- No boundary work was performed in the preparation of this exhibit. The right of way line depicted hereon is based on Hennepin County Resurvey coordinates and the plat of Castle View Estates.
- Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 200911005. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
- The field work for this survey was performed on April 7, 2020.

LEGEND

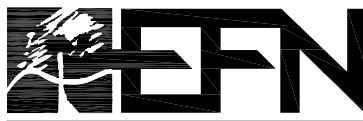
- SANITARY MANHOLE
- CATCH BASIN
- WATER MANHOLE
- GATE VALVE
- HYDRANT
- GAS VALVE
- SIGN
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- UNDERGROUND GAS
- TREELINE
- SPOT ELEVATION
- EXISTING CONTOUR LINE
- TREE
- BITUMINOUS SURFACE
- CONCRETE SURFACE

EFN PROJECT NO. 36900

SITE LOCATION SURVEY FOR:

EDGE CONSULTING ENGINEERS, INC.

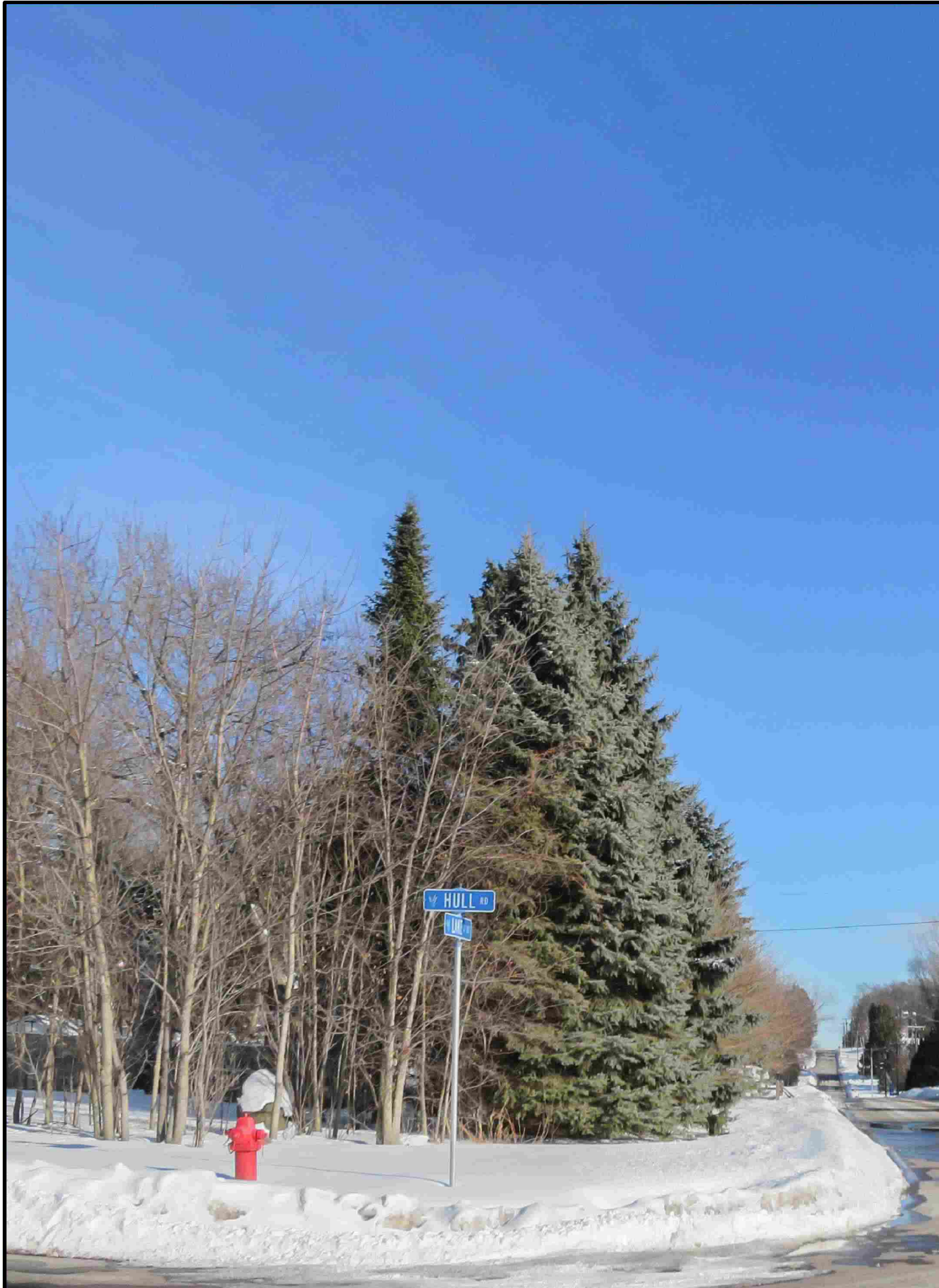
**SITE LOCATION: Lake Street Extension and
Hull Road, Minnetonka, Minnesota**



Egan, Field & Nowak, Inc.
land surveyors since 1872

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Minneapolis, Minnesota 55413
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A PHOTOGRAPH BEFORE SIMULATION



B PHOTOGRAPH AFTER SIMULATION

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 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
verizon
 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MIN TONKA SC7
 MINNETONKA, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	20201217545
LOCATION CODE:	620489
RFDS DATE:	04/07/2020

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	01/18/2021	PHOTOSIM

CHECKED BY:	OGD
PLOT DATE:	1/26/2021
PROJECT NUMBER:	25889
SET TYPE:	FINAL

SHEET NUMBER **T-901**

\\edgema03\MIN_projects\25889\Design\CAD\PS\PH\T-901.dgn



A PHOTOGRAPH BEFORE SIMULATION



B PHOTOGRAPH AFTER SIMULATION


CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:

verizon
 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MIN TONKA SC7
 MINNETONKA, MINNESOTA

ENGINEER SEAL:

 PRELIMINARY -
 NOT FOR CONSTRUCTION
 SIGNATURE: _____
 DATE: _____

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO: 2020127545
 LOCATION CODE: 620489
 RFDS DATE: 04/07/2020

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	03/04/2021	PHOTOSIM

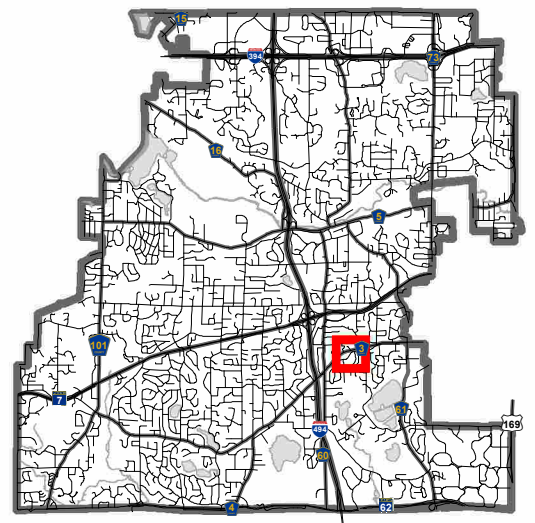
CHECKED BY:	OGD
PLOT DATE:	3/4/2021
PROJECT NUMBER:	25889
SET TYPE:	DRAFT

SHEET NUMBER **T-901**



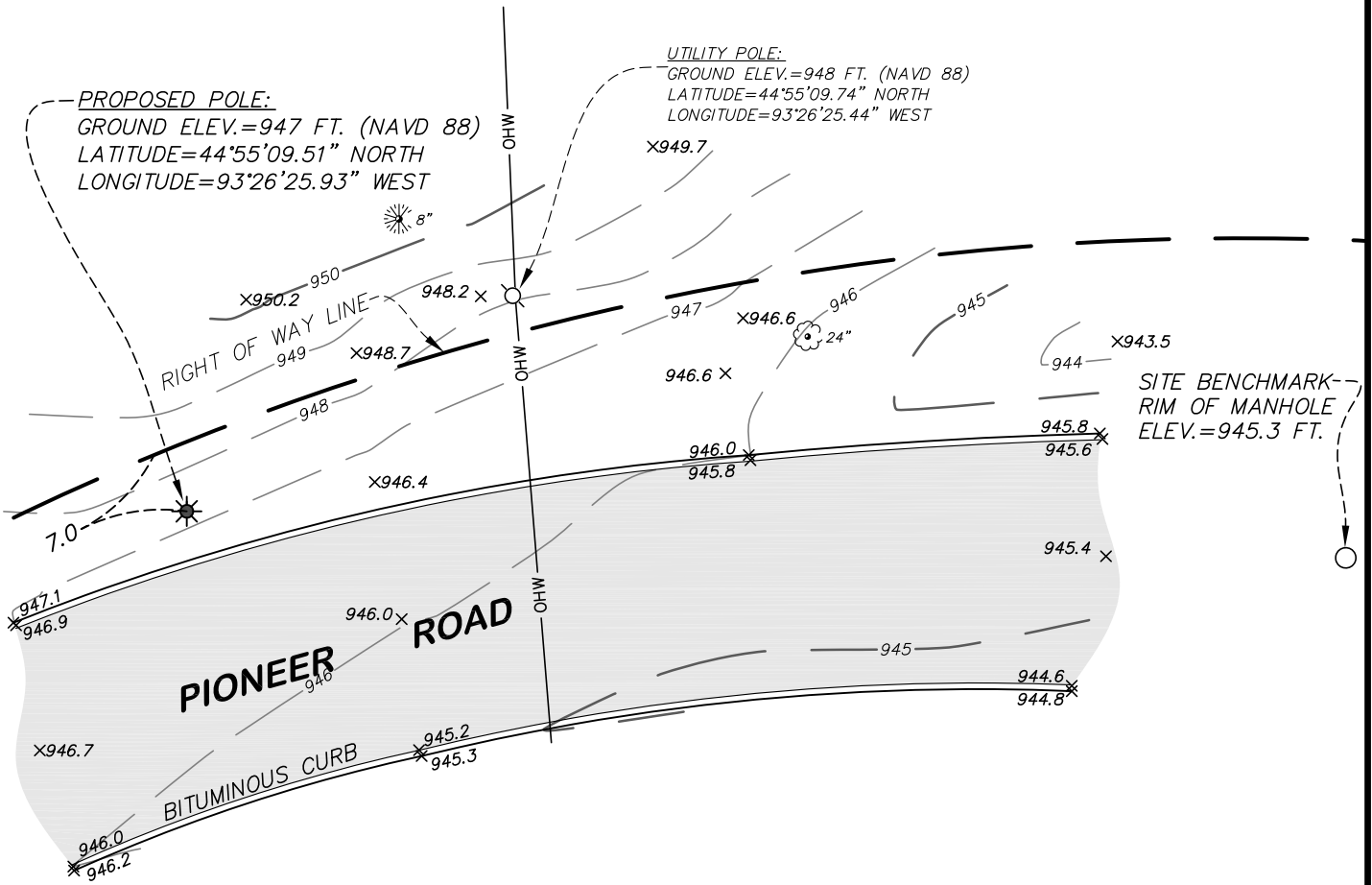
Location Map

Project: Verizon Small Cell Wireless
Location: Pioneer Road



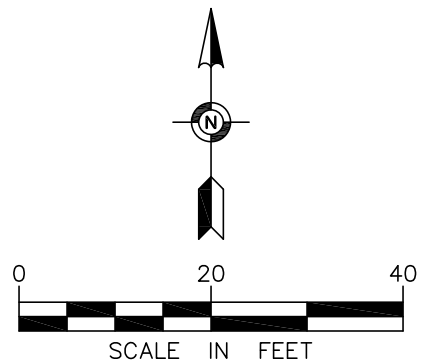
**SITE LOCATION SURVEY FOR:
EDGE CONSULTING ENGINEERS, INC.**

**SITE LOCATION: Pioneer Road and Merilee Drive, Minnetonka, Minnesota
SITE NAME: MIN TONKA SC3**



NOTES:

1. The orientation of this survey is based on the Hennepin County, Minnesota Coordinate Grid, NAD 83-2011 Adjustment.
2. Elevations shown hereon are based on the MNDOT VRS Network, Adjusted Vertical Datum of 1988 (NAVD 88).
3. No boundary work was performed in the preparation of this exhibit. The right-of-way line depicted hereon is based on County Re-survey section coordinates supplemented by information shown on the plats of LONE ACRE and VALLEY VIEW KNOLL.
4. Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 182203243. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
5. The field work for this survey was performed on August 17, 2018.



LEGEND

- UTILITY POLE
- MANHOLE
- TREE
- OHW
- SPOT ELEVATION
- EXISTING CONTOUR LINE
- BITUMINOUS SURFACE

EFN PROJECT NO. 37836

SITE LOCATION SURVEY FOR:

EDGE CONSULTING ENGINEERS, INC.

SITE LOCATION: Pioneer Road and Merilee Drive, Minnetonka, Minnesota



Egan, Field & Nowak, Inc.

land surveyors since 1872

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Minneapolis, Minnesota 55413
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A PHOTOGRAPH BEFORE SIMULATION



B PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:

 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MINNETONKA SC1 3
 MINNETONKA, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	20181926410
LOCATION CODE:	499316
RFDS DATE:	04/07/2020

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	01/26/2021	PHOTOSIM

CHECKED BY:	OGD
PLOT DATE:	1/26/2021
PROJECT NUMBER:	20154
SET TYPE:	FINAL

SHEET NUMBER:	T-901
---------------	--------------



A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:

 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MINNETONKA SC1 3
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	20181926410
LOCATION CODE:	499316
RFDS DATE:	04/07/2020

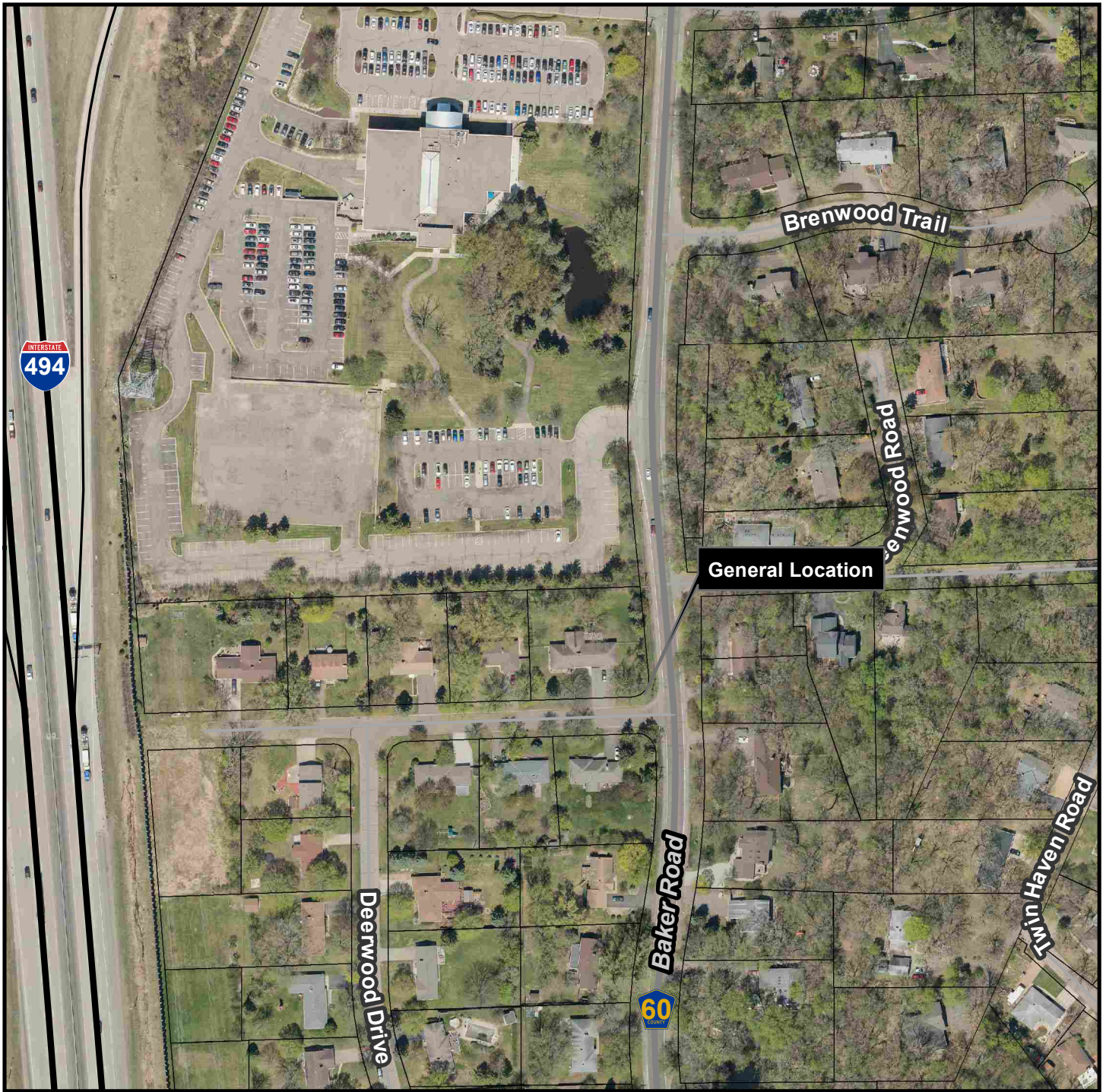
STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	03/04/2021	PHOTOSIM

CHECKED BY:	OGD
PLOT DATE:	3/4/2021
PROJECT NUMBER:	20154
SET TYPE:	DRAFT

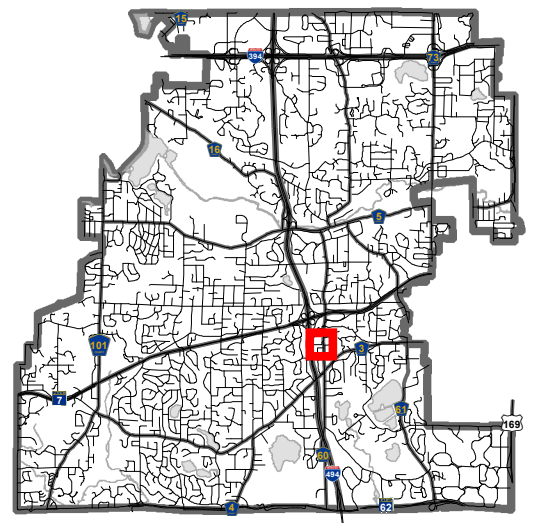
SHEET NUMBER **T-901**

\\edgengs03\MIN_projects\2010020154\CAD\PS\PHOTO\T-901.dgn



Location Map

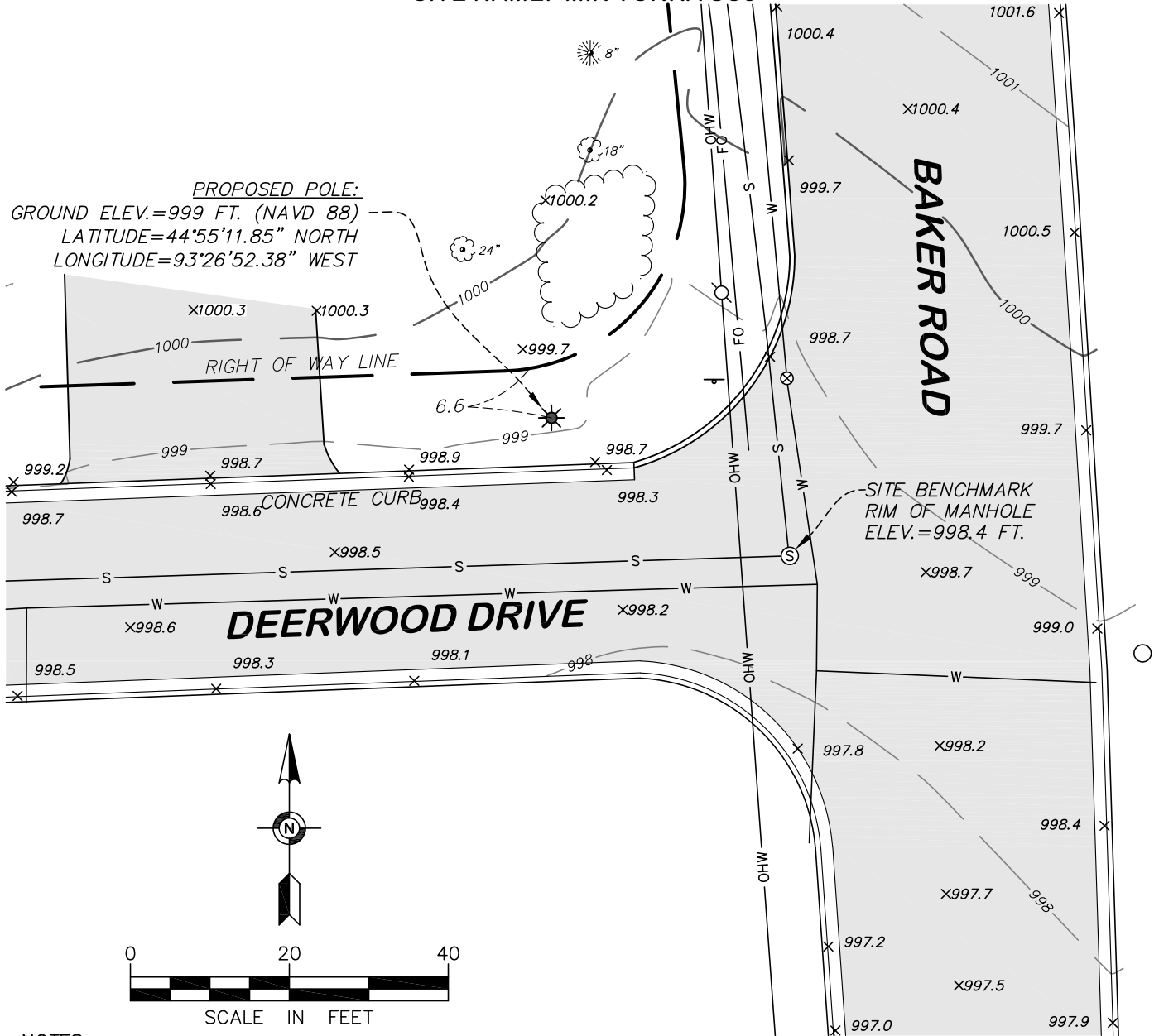
Project: Verizon Small Cell Wireless
Location: Baker Road and Deerwood Drive



**SITE LOCATION SURVEY FOR:
EDGE CONSULTING ENGINEERS, INC.**

SITE LOCATION: Deerwood Drive and Baker Road, Minnetonka, Minnesota

SITE NAME: MIN TONKA SC8



NOTES:

1. The orientation of this survey is based on the Hennepin County, Minnesota Coordinate Grid, NAD 83-2011 Adjustment.
2. Elevations shown hereon are based on the MNDOT VRS Network, Adjusted Vertical Datum of 1988 (NAVD 88).
3. No boundary work was performed in the preparation of this exhibit. The right of way line depicted hereon is based on Hennepin County Resurvey coordinates and the plat of Deerwood Hills 2nd Addition.
4. Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 200911036. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
5. The field work for this survey was performed on April 7, 2020.

LEGEND

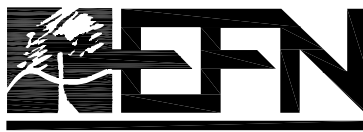
- ⊙ SANITARY MANHOLE
- MANHOLE
- ⊗ GATE VALVE
- † SIGN
- S — SANITARY SEWER
- W — WATERMAIN
- OHW — OVERHEAD WIRE
- FO — UNDERGROUND FIBER OPTIC
- ~~~~~ TREELINE
- x899.5 SPOT ELEVATION
- 899 EXISTING CONTOUR LINE
- ☼ OR ☼ TREE
- ▭ BITUMINOUS SURFACE
- ▭ CONCRETE SURFACE

EFN PROJECT NO. 36900

SITE LOCATION SURVEY FOR:

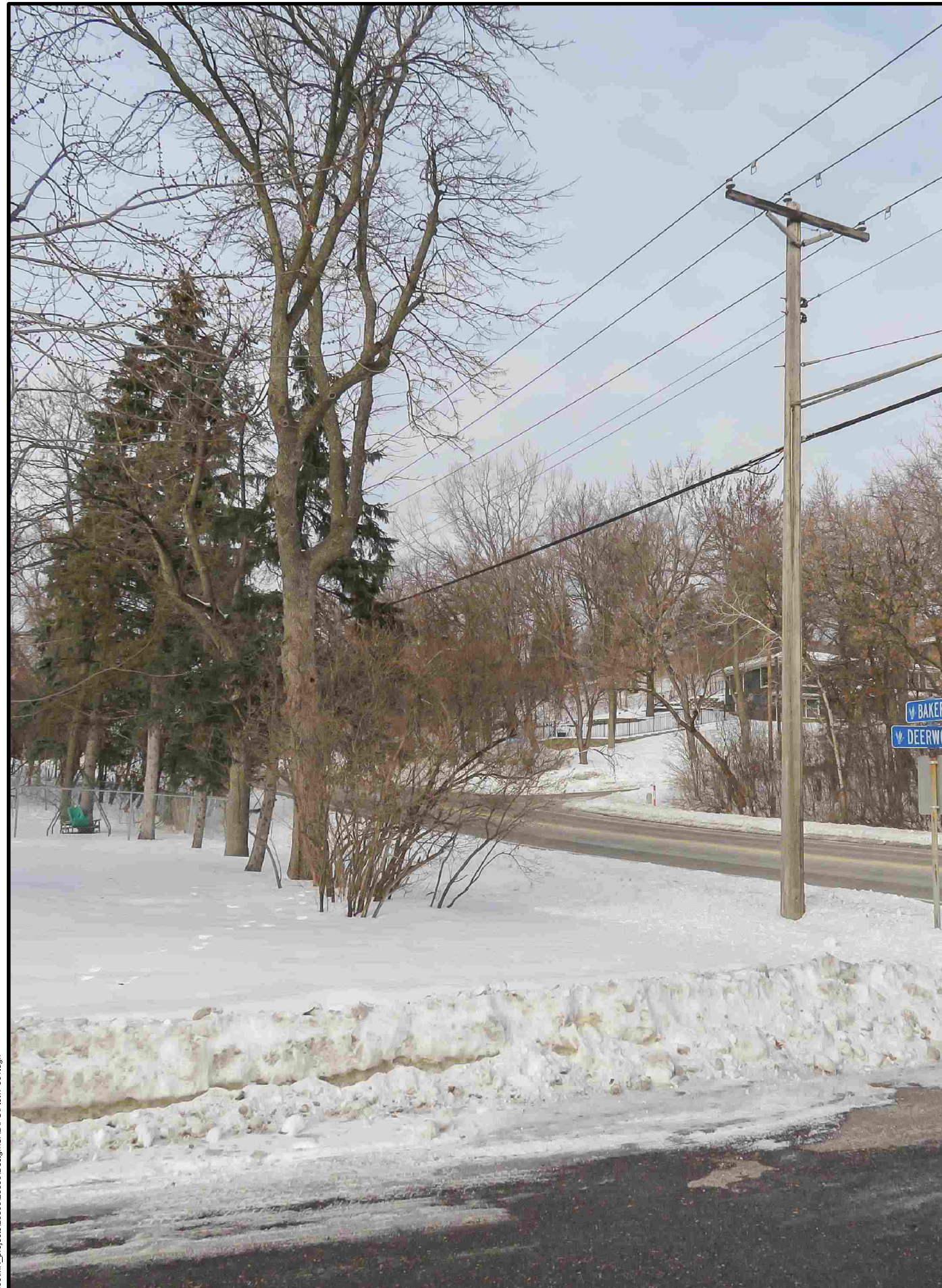
EDGE CONSULTING ENGINEERS, INC.

SITE LOCATION: Deerwood Drive and Baker Road, Minnetonka, Minnesota



Egan, Field & Nowak, Inc.
land surveyors since 1872

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Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM
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A

PHOTOGRAPH BEFORE SIMULATION

B

PHOTOGRAPH AFTER SIMULATION

CONSULTANT:
Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
verizon
 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MIN TONKA SC8
 MINNETONKA, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO: 20201217548
 LOCATION CODE: 620482
 RFDS DATE: 04/07/2020

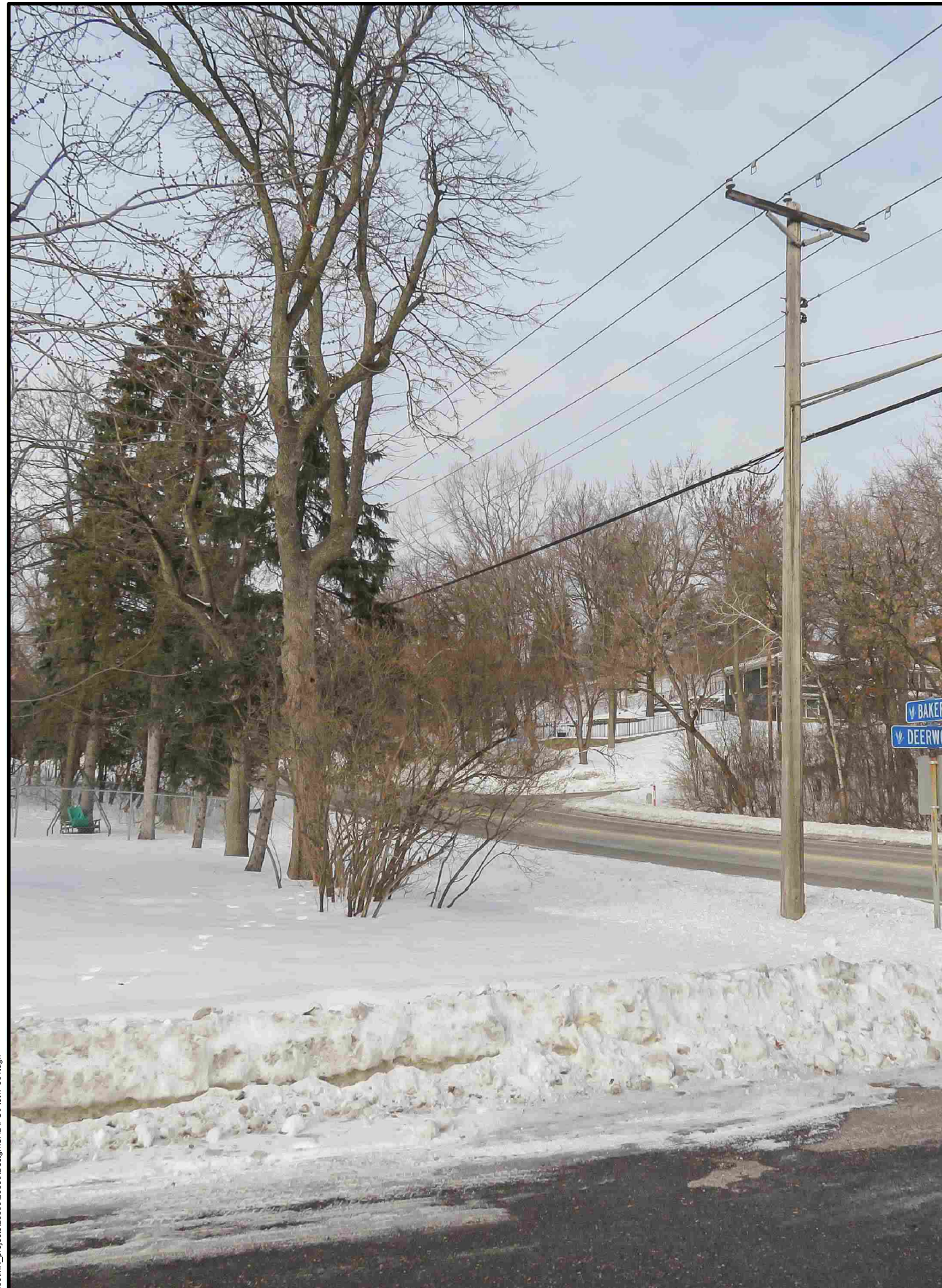
STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	01/28/2021	PHOTOSIM

CHECKED BY:	OGD
PLOT DATE:	1/28/2021
PROJECT NUMBER:	25890
SET TYPE:	FINAL

SHEET NUMBER **T-901**

\\edgengs03\min_projects\25890\25890\Design\CAD\PS\PHOTO\T-901.dgn



A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

CONSULTANT:
Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
verizon
 10801 BUSH LAKE RD
 BLOOMINGTON, MN 55438
 952.946.4694 VOICE

PHOTO SIMULATION
 MIN TONKA SC8
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____
 I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO: 20201217548
 LOCATION CODE: 620482
 RFDS DATE: 04/07/2020

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	03/04/2021	PHOTOSIM

CHECKED BY:	OGD
PLOT DATE:	3/4/2021
PROJECT NUMBER:	25890
SET TYPE:	DRAFT

SHEET NUMBER **T-901**

\\edgencs03\min_projects\25890\25890\Design\CAD\PS\PHOTO.dgn

From:
To: [Susan Thomas](#)
Subject: Verizon Wireless Cell LinnerRd and Tammer Lane
Date: Thursday, March 4, 2021 3:50:19 PM

Hello,

I am a directly impacted by the Linner Rd and Tammer Lane Small Cell Installation. I live at 1709 Pondview Terrace in Wayzata. Tammer Lane and Linner Rd is basically my cross street.

I object to the installation at this location.

Why can it not be placed on property owned by the Fire Department? Why does it have to be place where all our lines are buried? The fire Department is less than two blocks away and would be a better location as it sits higher than the location that is stated. We do not want an eyesore like this in our community not to mention the heath risks to having this tower located so close to homes..

I would like my voice herad and I recommend that they look at the Fire Department Location or perhaps Linner Park itself.

Plus this only benefits Verizon consumers and yet we all have to look at it. I vote not, but I wonder if the city has already given it's approval and this is just a formality!

Who is on the planning commission and how do I contact them?

Best,
Shannon Thein
1709 Pondview Terrace
Minnetonka, MN 55391

From:
To: [Susan Thomas](#)
Cc:
Subject: cell tower on: 12700 Pioneer Drive
Date: Monday, March 8, 2021 12:25:26 PM

Hi Susan:

Concerns from Daryl & Carole Dechaine
4708 Merilee Drive
Minnetonka

Before we call you, we wanted you to look over the questions we have below.

We are not crazy about looking at a 30' tower from our glass solarium when the leaves are off trees. It's an eyesore and we sure don't need or want it.

Why not place the tower further down Pioneer Drive? Or in Junction Park where there is a parking lot? Or on the side of the new bike trail on Excelsior?

Is the spot marked where it will be placed? If so, is it a short stake with a pink flag? Will trees be removed to place the tower in its spot? Will trucks be parked by it periodically? We listen to enough noise from vehicles, and having as many trees blocking the visual of County road 3/Excelsior is very important to us.

We live on a treacherous dead man curve and traffic traveling east if a truck is parked will put lives at stake. Also, we had a motorcycle accident on this corner last summer.

If a service truck was parked on Pioneer Drive it could be devastating to traffic coming around the corner. Has anyone studied the traffic on this stretch?

What other neighborhoods has these towers placed in them right now?

Thanks

Daryl and Carole Dechaine

From:
To: [Susan Thomas](#)
Subject: Verizon tower
Date: Friday, March 5, 2021 2:04:56 PM

Hello Susan, We recieved the notice about the proposed Verizon cell tower. We live at 12814 Pioneer Rd. Why would Verizon put a cell tower on a residential street like ours? Even more important why would the city of Mtka. let them? Can't you / them find a more unobtrusive location for a tower that most certainly will be an eye sore and will deminish the over all look of our neighborhood. Very dissapointed.

Dennis Butts
12814 Pioneer Rd.
Mtka, MN. 55343

Sent from my Galaxy Tab® S2

From:
To: [Susan Thomas](#)
Cc: [Brian Kirk](#); [Brad Wiersum](#);
Subject: RE: Verizon Wireless Small Cell Installation in my front yard
Date: Tuesday, March 9, 2021 12:57:38 PM
Attachments: [image001.png](#)

Hi Susan,

I am opposed to a 34 foot cell tower in my front yard and I am requesting that the hearing to be postponed for 60 days until I can hire a "Land Use" attorney to consult on this project. I only received the Public Hearing notice on Saturday, March 6th and they are all ready tearing up my front yard. If I were to put my house on the market today, it would be worth less than yesterday.

Warm Regards,

Norm

Norman Gaskins, RPA, AIF®, CMFC®

Vice President, Intermediary Distribution Channel
Securian Asset Management

400 Robert Street North • A9-1634 • St. Paul, MN 55101-2098
651-665-1634 (office) • 651-304-0463 (mobile)

Tammy Dunning

Sales Support Analyst

400 Robert Street North • Mail Stop A9-1124 • St. Paul, MN 55101-2098
651-665-1124 (office) • 651-665-3108 (fax)

Securian Financial



Securian Asset Management, Inc.

securianam.com

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From: Gaskins, Norman E.

Sent: Tuesday, March 9, 2021 12:37 PM

To: 'Susan Thomas'

Cc: Brian Kirk ; Brad Wiersum ; Anderson Gaskins, Jenny

Subject: RE: Verizon Wireless Small Cell Installation in my front yard

Hi Susan,

I'm hiring an attorney and plan to fight this with everything I have. To be clear.

What is happening to our neighborhood? First a for profit business down the street, now high frequency not yet proven to be safe yet cell towers in residence front yards. Yet, we can't manage to hear the neighborhoods concerns with a stop light at Lake St. Ext and Baker or fix Lake St. Ext so it is safe for the neighborhood. It is narrower then Hull road and most other side streets. I feel like the city is letting down it's residence, especially in our neighborhood. Thanks!

Warm Regards,

Norm

Norman Gaskins, RPA, AIF®, CMFC®

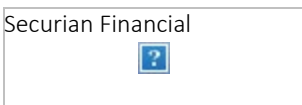
Vice President, Intermediary Distribution Channel
Securian Asset Management

400 Robert Street North • A9-1634 • St. Paul, MN 55101-2098
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securianam.com

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From: Susan Thomas <stthomas@minnetonkamn.gov>

Sent: Tuesday, March 9, 2021 12:06 PM

To: Gaskins, Norman E.

Cc: Brian Kirk <bkirk@minnetonkamn.gov>; Brad Wiersum <bwiersum@minnetonkamn.gov>;
Anderson Gaskins, Jenny

Subject: [External] RE: Verizon Wireless Small Cell Installation in my front yard

[External Content] This message is from an external source. Please exercise caution when opening attachments or links.

Mr. Gaskins,

Thank you for your email. The proposed small cell wireless tower would be located within public right-of-way, not on your private property.

In 2017, the Minnesota legislature passed a law related to small cell wireless facilities. Under that law, communities are required to allow these facilities in public rights-of-way. In fact, under the law, cities have to treat small cell wireless in the same manner we treat other services located in public right-of-way, like electric, phone, and cable companies. Previously, the city could direct wireless providers to available locations. Since 2017, the city is no longer able to dictate which rights-of-way are "OK" to use and which are not.

Postcards were mailed to residents in the area last week; I see you that you are on the mailing list.

The postcard directs property owners to plans here: [Verizon Small Cell Wireless Installations](#).

If you have further questions after reviewing these plans, I can best be reached at this email address.

Regards,

Susan

Susan Thomas | Assistant City Planner
City of Minnetonka | minnetonkamn.gov
Office: 952-939-8292

From: Gaskins, Norman E.
Sent: Tuesday, March 9, 2021 11:51 AM
To: Susan Thomas <stthomas@minnetonkamn.gov>
Cc: Brian Kirk <bkirk@minnetonkamn.gov>; Brad Wiersum <bwiersum@minnetonkamn.gov>;
Anderson Gaskins, Jenny
Subject: Verizon Wireless Small Cell Installation in my front yard

Hi Susan,
I just came in from talking to the gentleman installing fiber optic cable into my front yard. They shared with me that there is to be a 34 foot tower going in my front yard. Please send me all the details. This is the first I have heard of this. I am absolutely opposed of this. This is my front yard. Not a split property back yard. Why was I not consulted? Will I be able to rent my yard to Verizon offset my loss in property value? Who plans to pay? You bet I will be contacting an attorney and better understanding my rights. I would appreciate the halting of this project until I can properly prepare to defend my property and my rights.
I appreciate a quick response.

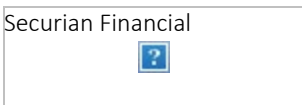
Warm Regards,
Norm

Norman Gaskins, RPA, AIF®, CMFC®
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From:
To: [Susan Thomas](#)
Subject: Verizon Wireless Small Cell Installation -- Indian Road West and Council Circle
Date: Tuesday, March 9, 2021 6:10:26 PM

Susan Thomas -----

Please note my **EXTREME** opposition to the installation of a verizon wireless small cell tower at indian road west and council circle.

1) The tower is an inappropriate intrusion into our (full of trees) neighborhood--it is out of place.
--- i enjoy looking at trees when outdoors or looking out my windows and do not want to look at a cell tower

2) Cell phone usage is fine within the neighborhood--the tower is not needed or wanted.

3) There are more appropriate areas for the tower--along 494, corners of the oakland bridge over 494, ridgetale, edge of neighborhoods, etc. --- again, towers should not intrude into the neighborhood.

4) Minnetonka needs like Deephaven an ordinance that excludes all towers, utility poles, etc. along neighborhood streets to protect the special aesthetic of our special neighborhoods in minnetonka.

I do hope the city will listen to residents and protect our special neighborhoods.

Robert Schneider

2105 Indian Road West
Minnetonka, MN 55305

From:
To: [Susan Thomas](#)
Subject: Verizon Small Cell Installation - Linner Road at Tammer Lane
Date: Wednesday, March 10, 2021 1:28:08 PM

Susan,

I live at 15002 Linner Ridge near the proposed installation. My comment is this: Linner Road is in my opinion one of the prettier, tree-lined drives in Minnetonka. It's just so unfortunate to intrude on its lovely, overhanging trees with yet another ubiquitous cell tower. I appreciate there might be engineering challenges, but couldn't this tower, or one with a bit more power and range, be located at the nearby and much-higher-elevation fire station #5 at Linner Road and Wayzata Blvd? Has Verizon even considered that obvious location?

Jim Gebhard

Sent from my iPad

Thomas W. and Jill A. Johnson

March 10, 2021

City of Minnetonka Council and Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: Verizon Wireless Application for Conditional Use Permit for Small Cell Wireless facility at Linner Road and Tammer Lane

Dear Council Members and Members of the Planning Commission:

We own the property at 15001 Tammer Lane where the proposed location of the small cell wireless facility would be located in the right of way of our landscaped lawn. **We strongly oppose** the application as presented for a conditional use permit in this location and offer the following as our reasoning and ask for your support to deny the application as presented. Our comments are specific to the Linner Road and Tammer Lane conditional use permit (the "Application") and are only directed to this one location. We would like to see an upgrade to wireless service in this area, but not at the visual expense of what is being proposed.

The most egregious aspect is the visual impact of the cell tower situated in a landscaped lawn so close to residential driveways without any other screening attributes. We hope this is not an example of what the City of Minnetonka holds as a stealth installation in a residential neighborhood and this is not held out as a precedent for future installations.

What we are asking the Planning Commission and The City Council to do is to:

- Separate the consolidated permit application for a conditional use permit as it relates to the Application and deny the specific proposed location at Linner Road and Tammer lane. *(authority per Minnesota statutes 237.163 subd 3a (4) (b); In rendering a decision on a consolidated permit application, a local government unit may approve a permit for some small wireless facilities and deny a permit for others, but may not use denial of one or more permits as a basis to deny all the small wireless facilities in the application.*
- Require the applicant look at alternative locations to the north and south on property owned by the City of Minnetonka and submit their reasoning why such alternative locations are not feasible. The proposed location is in conflict with the following: *(per Minnetonka's Small-Cell Wireless Facility, Aesthetic Standards; New support structures: Any new wireless support structure **must** be placed: a minimum of two lot lines, or approximately 200 feet, whichever is greater, from any existing wireless support structure or **utility pole on the same side of the street** or right-of-way, and one lot line or approximately 100 feet, whichever is greater when on the opposite sides of the street or right-of-way) (emphasis added)*
- If alternative locations are proved unacceptable, the applicant be directed to design and utilize the existing utility pole located 150 feet to the north in combination with the city street light and existing communication facility. *(per Minnetonka Ordinance 310.03 Section 8 b) 1) a. Design. General. Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. **However, the city may require that a different location be used if it would result in less public visibility**, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.) (emphasis added)*

15001 Tammer Lane Wayzata, MN 55391

The proposed location runs counter to the street improvements completed in 2000 in which the City of Minnetonka spent an enormous amount of money to visibly improve Linner Road and required the removal of all utility poles, except for street lighting, and the burial of all utilities. That project greatly enhanced the visual appeal of the entry corridor to the large neighborhoods to the south.

We are not against adding additional capacity to their wireless infrastructure, however, to adequately judge whether the Application warrants such a visible intrusion on low density residential zoned property, a more complete RF certification is needed. The affidavit provided in the February 3, 2021 letter from Moss & Barnett (the "Affidavit") provides only generalized statements and does not identify or document the demand or current service levels within their SCO4 tower service area (the "Service Area"). It also does not contain their service objective so there is no comparison to weigh their needs versus the burden of the visual impairment.

Our neighborhood currently has high speed internet service offered by two separate infrastructures, both high speed cable and phone, along with the wireless services.

Most neighbors take advantage of the hardwired services and run their cell phones through their private routers when they are at home, not requiring upgraded wireless capacity beyond the existing coverage. The addition of the wireless facility may well be speculative for Verizon to allow them to compete with the existing infrastructure.

Our specific comments on the Application and the issues where it would require variances from the City of Minnetonka's ordinance and policy are set forth below:

Compliance with the City of Minnetonka's Small-Cell Wireless Facility, Aesthetic Standards

To understand the criteria the applicant was to adhere to for the proposed location of a new wireless support structures, a review of the Aesthetic Standards to be used in granting a conditional use permit is important to review:

Location Criteria – new or replacement wireless support structures

*New support structures: Any new wireless support structure **must** be placed: (**emphasis added**)*

a minimum of two lot lines, or approximately 200 feet, whichever is greater, from any existing wireless support structure or utility pole on the same side of the street or right-of-way, and one lot line or approximately 100 feet, whichever is greater when on the opposite sides of the street or right-of-way

There is an existing utility pole at the northwest corner of Linner Road and Tammer Lane where there is a street lamp along with other telecommunications equipment. This existing pole is approximately 150 feet north of the proposed location and one lot line away from the proposed location. **Therefore, the proposed location violates both of these aesthetic standards.**

as functional streetlights as the City may require, in its reasonable discretion;

If there are no other reasonable alternative locations, as we believe there are, the use of the existing utility pole, as modified by the applicant and shared by all uses would be a preferable solution rather than the addition of any new utility poles in the vicinity.

The cost to upgrade the existing utility pole and any reciprocal use agreements should be the burden of the applicant. **A shared solution would be preferable** and further discussion of this option is outlined later in our letter.

an equal distance between trees when possible, with a minimum of 15 feet of separation such that no proposed disturbance shall occur within the critical root zone of any tree;

The proposed location is under an existing fifteen inch caliber tree which currently has a thirty-six foot diameter canopy. Locating the pole in the proposed location would require trimming the tree to provide adequate clearance, which is unacceptable to us. Further, the proposed location is 11 feet from a ten-year-old maple tree planted in conjunction with the 2000 street improvements. Its future canopy would be in direct conflict with the proposed location. **The proposed location would require trimming of an existing tree.**

Compliance with Minnetonka's Telecommunications Ordinance (310.03)

The proposed location does not conform to the location criteria as set forth in the new City of Minnetonka Telecommunication Ordinance where:

Section 8 b) 1) a. Design. General. Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. However, the city may require that a different location be used if it would result in less public visibility, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.

Section 8 b) 2) a. Stealth Design. Facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.

The proposed location, being mid-block in a residential landscaped lawn, adjacent to two driveways, and along a heavily traveled residential street for a large neighborhood, without any visibility shielding except color, does not and should not qualify as the “*use of as many stealth techniques as reasonably possible*” in their design. **Who among you would volunteer to have this feature added to your property directly next to your driveway and what impact might it have on your property value? What is to stop the next carrier from using this precedent to locate their own tower directly next to this one?**

The ordinance also requires the following:

Section 8 a) 1) a. May not be located adjacent to residentially-zoned properties, unless the applicant provides an RF certification that the applicant's service objectives for the site cannot be met by constructing a similar facility in a non-residentially zoned area; and.

No empirical evidence or analysis has been provided for the study of alternative locations in the Service Area. No information has been provided for the service objectives used in their statement and no reasoning for their location selected has been offered.

The Affidavit provided is from an employee who has not provided any credentials as an engineer. For a submission of a conditional use permit in a residential area, the RF certificate, at minimum, should be prepared by a licensed individual and contain a detailed statement on coverage and capacity along with locations considered. It should also be signed by an individual with signatory authority for the applicant. Otherwise, it has no validity.

While Federal and State law grants wide latitude to telecommunication companies in the use of right-of-way for their needs, it does not abdicate municipalities ability to guide land use policies within their jurisdiction. As with any municipal permit process, information is needed to justify granting the permit, especially one needing a conditional use permit. While the law allows telecommunication companies the right to use the public right-of-way, it does not give them carte blanche in all decisions.

Incomplete Application Submission

The location of existing utilities are referenced as indicated on the site in note 3 of the Site Location Survey, however, there are no marked locations of the **extensive** buried electric, cable and phone lines which run directly under the proposed location. Any new installation in this area would be difficult at best. **The existing utilities need to be referenced on the Application as noted.**

Specifically as it relates to the Application for SCo4, the Affidavit's statement 5 is false. There is an existing utility pole located 150 north of the proposed location.

In item number 6, it refers to "*The other nine sites, however, are servicing residential areas, and there are no non-residential zoned areas available that would meet our service objectives for these residential areas.*" What is not provided is any statement of the alternatives for the SCo4 other than a statement they looked at locations along Wayzata Boulevard.

The lack of specific information in the RF certification on the SCo4 location deprives the property owner their legal rights to object to an arbitrary decision made by the applicant. It further denies the Planning Commission and City Council of an opportunity to weigh the issues in granting a conditional use permit.

Alternative Locations

In the Service Area for SCo4, there are 55 residential properties. The movement of the proposed location may affect the inclusion or exclusion of some of these residence. However, without adequate information being provided by the applicant, there is no evidence of the effect of a movement in any direction.

To the north, there is a very good alternative location either on the Minnetonka Fire Station property on Linner Road or the vacant City of Minnetonka property to the east. To the south, there is a location on the top of the hill in Linner Park and with additional height and capacity, that facility could provide additional range which could service both the SCo4 and SCo3 service area. This site could also include a street light on the utility pole if located at the top of the stairway in Linner Park for a much needed safety and security upgrade. It may be more expensive to the applicant, but would be a much better stealth option for the neighborhood. The solution may be two towers, one north and one south to get to the yet undefined service objective. We strongly urge the applicant to assess the viability of these two locations and provide a cost benefit analysis to document any decision they arrive at.

As a last resort, if the alternative locations are unfeasible, the existing location of the street light on the intersection of Tammer Lane and Linner Road should be used. A new multiple use utility pole could be installed in this location and shared reciprocal use agreement entered into with the parties involved. **No new location is required since there is an alternative existing utility pole 150 feet north.**

Conclusion

Our hope was the location selection process for the Application was not made for the convenience of the applicant or as a least cost alternative. The need for additional capacity to their infrastructure needs to be weighed against costs to the visual impact to the property owners or the neighborhood in general. The location put forth in the Application undoubtedly minimizes their installation costs for electric and sitework, but it also places a heavy burden on visibility in one of Minnetonka's finest residential neighborhoods.

The Application is non-conforming to both the City of Minnetonka's Aesthetics Standards, and Telecommunication Ordinance. With the deficient RF certification, it does not provide adequate reasoning for the granting of a conditional use permit. There are other alternatives in the design of their system, while not as cost effective, could provide the upgrade in service they seek. Until these alternatives are fully reviewed, their Application should be denied.

Finally, if in the end there is documented demand and a need for service level enhancement, the City of Minnetonka should insist that the existing utility pole in the immediate area, be upgraded and used instead of allowing this new location. We hope the applicant will look at the alternative locations identified and redesign their system to take advantage of them.

We appreciate your consideration of our concerns and pray you will not grant the conditional use permit as submitted. We ask that you return the Application to Verizon for further analysis of the alternatives.

Sincerely,



Thomas W. Johnson



Jill A. Johnson

TWJ/jj w enc



The proposed new utility pole in a landscaped lawn without any additional stealth screening does not belong here

No new utility pole is required as there is an existing utility pole located 150 feet to the north of the proposed location



1 EXISTING PHOTO
SCALE: N/A



Photo Image
in front of
tree canopy,
in reality, it is
in conflict

Existing
Utility
Pole

Existing
Buried
Utility
Lines

2 PROPOSED IMAGE
SCALE: N/A

NOT FOR
CONSTRUCTION

DESIGN
ARCHITECTURE & ENGINEERING

verizon
WIRELESS COMMUNICATIONS

PROJECT
20180704TTS
VLL - RUPB - 00000

MIN
BLAISE SC

SHEET CONTENTS:
PHOTO WALLMOUNT

DATE:	02/21/18
BY:	MM
CHECKED BY:	MM
DATE:	02/21/18

PS-SC4

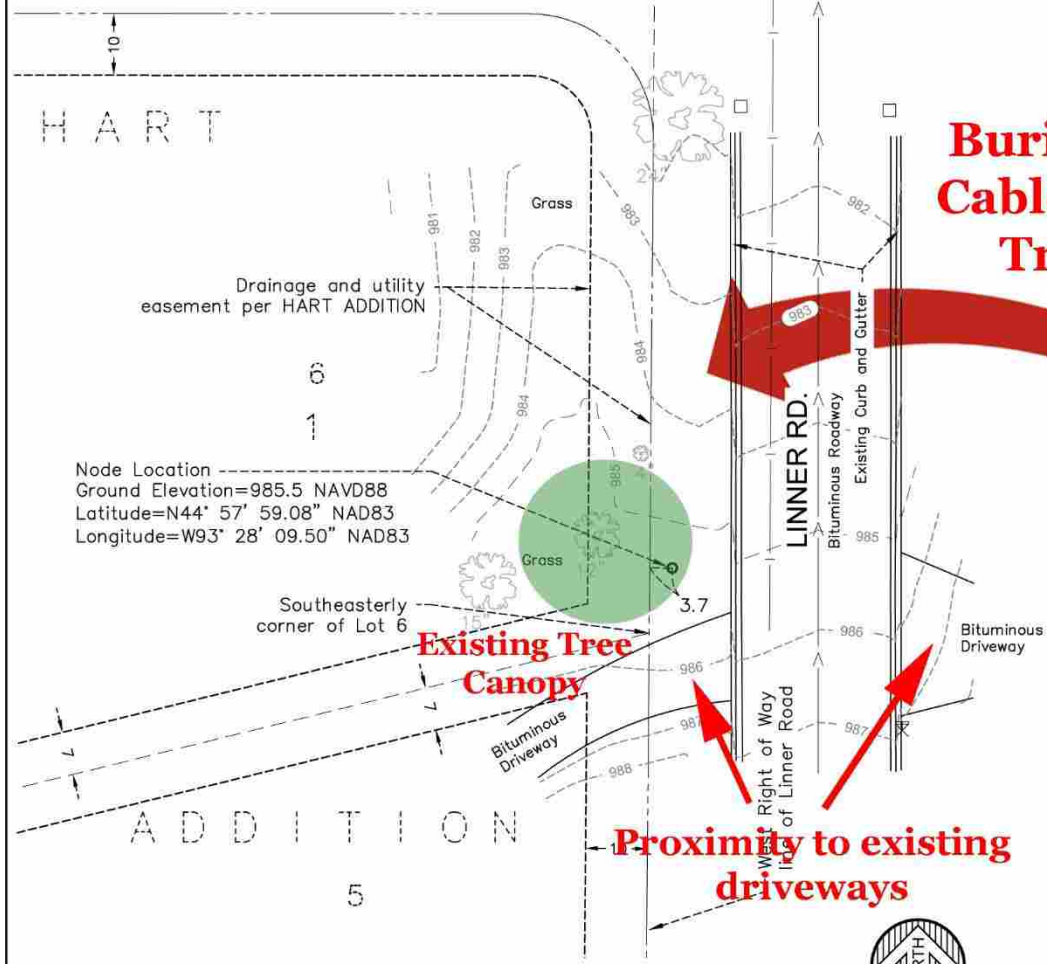
SITE LOCATION SURVEY FOR:

DESIGN 1

SITE LOCATION: Linner Rd. and Tammer Ln. Minnetonka, MN

SITE NAME: MIN BLAISE SC4

TAMMER LN.



Node Location
Ground Elevation=985.5 NAVD88
Latitude=N44° 57' 59.08" NAD83
Longitude=W93° 28' 09.50" NAD83

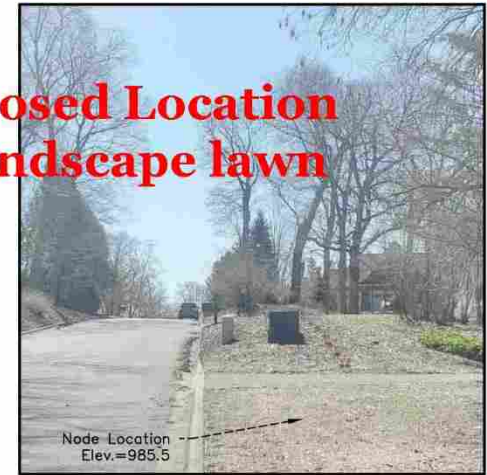
Southeasterly corner of Lot 6

Existing Tree Canopy

Proximity to existing driveways

Buried Electric, Cable and Phone Trunk lines

Proposed Location in landscape lawn



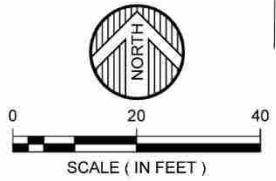
Node Location
Elev.=985.5

SURVEYOR NOTE:

- 1.) The orientation of the survey is based on the Hennepin County, MN Coordinate System, NAD83, 2011 Adj.
- 2.) No boundary work was performed in preparation of the exhibit. The right of way line depicted hereon is based on Hennepin County Resurvey coordinates and the plat HART ADDITION.
- 3.) Existing Utilities, services and underground structures shown hereon were located either physically, from existing records made available to us or markings from GOPHER STATE ONE CALL Locate Request Ticket No. 200993466, dated April 8, 2020. Verification and location of all utilities should be obtained prior to any design, planning and excavation.
- 4.) The field work for this survey was performed on April 14, 2020.

LEGEND

	MAILBOX
	TREE DECIDUOUS
	CATCH BASIN
	SANITARY MANHOLE
	WATERMAIN
	SANITARY SEWER
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE



DATE: 2/19/2021
SCALE: AS SHOWN
DRAWN BY: JMB
CHECKED BY: BTB
FILE NUMBER: 2020-10495





verizon

10801 Bush Lake Rd
Bloomington, MN 55438
952.946.4694 voice

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 963-9299
WWW.DESIGN1EP.COM

CHECKED BY: TAB

MIN BLAISE

SUBMITTAL:

INITIAL	DATE	DESCRIPTION:
SVS	06-26-20	REV. A
NPR	07-20-20	REV. A.1
NPR	08-03-20	REV. 0
NPR	01-27-21	REV. 1

STRUCTURAL ANALYSIS:

DATE:	DESCRIPTION:

RFDS:

DATE:	
04-08-20	

PLOT DATE 01-27-21

SET TYPE CONSTRUCTION / BID

SHEET TITLE OVERALL SITE LOCATIONS

SHEET NUMBER GROUP MAP

A **GROUP LOCATION AERIAL MAP**
SCALE: N.T.S



Greg and Rexann Brew

15000 Tammerlane Minnetonka, MN 55391

March 9, 2021

City of Minnetonka Council and Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Dear Council Members and Members of the Planning Commission,

We are the owner occupant of 15000 Tammerlane across from the proposed site for the small cell wireless installation at 15001 Tammerlane. After reviewing the proposals and the site plan we have come to the conclusion that we are against the installation as proposed.

We fully realize that to expand 5G coverage the towers must be placed somewhere but there are other alternative locations that could be less unsightly, even on our block. The proposed location is a short distance from Linner park, a location that is the highest point in the area which could provide many different options.

The city spent a considerable amount of money in 2000 to bury our lines and clean up the street which was a welcome change. However on our property we already have four boxes in our yard (two for power, two for communications - we are unsure whether they are in use any longer), as well as a streetlight pole with a cell installation already on it. I feel we look at enough rusty, unsightly hardware as it is- the addition of another pole 30 yards away seems like too much.

Following are the questions we have for the city and Verizon officials regarding the proposed project:

Will there be other towers installed by other carriers once this one goes in?
Does this set a precedent for location? Can other carriers use the same tower?

Have any studies been done on possible emissions from said towers? (Might installation at Linner Park allow for less direct emission to homes, be located at a higher elevation and still service the area?)

Why were other locations like the fire station and Linner park area not chosen?

Is Verizon paying for the use of the land/pole? If yes, in what way? (We understand there is a one time use fee if the tower is erected on an easement, but a monthly rental fee is due if

the tower is installed on public land, for example Linner Park. Please provide figures for the various financial options and how one might benefit Verizon.)

Please consider our concerns and we hope you will not grant the use permit as submitted.

Sincerely,

Greg and Rexann Brew

From:
To: [Susan Thomas](#)
Subject: Verizon Small Cell
Date: Thursday, March 11, 2021 8:17:20 AM
Attachments: [DA40B1D811DC4B2DA77156E2B27B4F91.png](#)

Hello,

My family and I live at 13110 Greenwood Road. We are near the intersection of the proposed cell tower.

As you're well aware I'm sure, there is a lot of conflicting information regarding the long-term health safety of living near 5G towers. We are not experts on the topic by any means but we'd like to remain on the cautious side and oppose the tower being installed near us.

Could they install over off of 494 somewhere instead?

Thanks

Jeff Doyle

CEO | Chief Creative Officer
Blue Label Creative

p:

a: [6121 Baker Road, Suite 104, Minnetonka, MN 55345](#)

w: [BlueLabelCreative.com](#) **e:**





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

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: March 18, 2021
Subject: Change Memo for the March 18 Planning Commission Agenda

ITEM 8B – DelSur Empanadas

The attached comments were received after publication of the packet.

ITEM 8C – Verizon Small Cell Wireless

The attached comments were received after publication of the packet.

ITEM 9A – Glen Lake Apartments

The attached comments were received after publication of the packet.

From:
To: [Susan Thomas](#)
Cc:
Subject: Re: cell tower on: 12700 Pioneer Drive 3-16-2021
Date: Tuesday, March 16, 2021 11:05:45 AM

Hi Susan:

Thanks for your speedy reply.

We're curious as to what was the criteria used for picking **the specific area on Pioneer Drive?** Is it because tower would be close to an excel power pole for Verizon? Is it about the signal for a specific group of customers?

The five other locations for the towers are near an intersection, **not in the middle of a residential street such as the location of Pioneer Drive.** We read Mr. Dorland's Feb 3rd letter, and still believe there must be a BETTER location further down Pioneer Road or on an existing Xcel utility pole.

Also, any service vehicle parked by the curve of Pioneer road if monitoring the tower, would definitely be dangerous. No parking should be considered right after the curve on Pioneer Drive where the proposed pole is being considered. We're not sure that issue was factored into the option on Pioneer? Did you get an answer on if a service truck if it would be parked their occasionally?

What a sad blight to the look of the natural environment having the start of these cell towers around the neighborhood. We thought Minnetonka was concerned about getting awards for the "best city"?

We have no problems with our current cell phone activity and do not require this Verizon pole near us.

First virtual Meeting still scheduled for this Thursday 6:30 PM?

Daryl & Carole Dechaine

On Mar 8, 2021, at 3:21 PM, Susan Thomas
<stthomas@minnetonkamn.gov> wrote:

Mr. And Ms. Dechaine,

Thank you for your email; it will be included in the written information provided to the planning commission and city council prior to their consideration of the proposed small cell wireless facility.

Location. In 2017, the Minnesota legislature passed a law related to small cell wireless facilities. Under that law, communities are required to allow these facilities in public rights-of-way. Previously, the city could direct wireless providers to available locations. However, the city is no longer able to dictate which rights-of-way are “OK” to use and which are not. I have not been by the proposed Pioneer Road location recently, so I cannot say with certainty if a pink flag was installed to represent the location. The plans submitted indicate the pole would be roughly 40 feet west of the existing utility line and 5 feet north of the roadway. There are currently no small cell wireless installations in Minnetonka. However, the Pioneer Road site is one of six applications recently received.

Trees. No trees would be removed for the installation.

Parking. Parking is allowed on Pioneer Road, so any service vehicles would technically be allowed to park there. Having said that, I am not certain how often such service would be necessary. I will find out and get back to you.

In the meantime, if you have any further questions, I can be reached at this email address or at 952-939-8292.

Regards,
Susan Thomas

Susan Thomas | Assistant City Planner
City of Minnetonka | minnetonkamn.gov
Office: 952-939-8292

From: carole Dechaine
Sent: Monday, March 8, 2021 12:26 PM
To: Susan Thomas <stthomas@minnetonkamn.gov>
Cc: Carole Ann Dechaine ; Daryl Dechaine

Pioneer Drive

Hi Susan:

Concerns from Daryl & Carole Dechaine
4708 Merilee Drive
Minnetonka

Before we call you, we wanted you to look over the questions we have below.

We are not crazy about looking at a 30' tower from our glass solarium when the leaves are off trees. It's an eyesore and we sure don't need or want it.

Why not place the tower further down Pioneer Drive? Or in Junction Park where there is a parking lot? Or on the side of the new bike trail on Excelsior?

Is the spot marked where it will be placed? If so, is it a short stake with a pink flag?

Will trees be removed to place the tower in its spot? Will trucks be parked by it periodically? We listen to enough noise from vehicles, and having as many trees blocking the visual of County road 3/Excelsior is very important to us.

We live on a treacherous dead man curve and traffic traveling east if a truck is parked will put lives at stake. Also, we had a motorcycle accident on this corner last summer.

If a service truck was parked on Pioneer Drive it could be devastating to traffic coming around the corner. Has anyone studied the traffic on this stretch?

What other neighborhoods has these towers placed in them

right now?

Thanks

Daryl and Carole Dechaine

From:
To: [Susan Thomas](#)
Subject: Feedback re: Proposed Verizon tower at 12700 Pioneer Road
Date: Wednesday, March 17, 2021 1:02:05 PM

Dear Minnetonka Planning Commission,

My preference is the proposed Verizon tower be located at either the Excelsior and Baker Road or the Excelsior and Shady Oak Road intersections as the tower will blend into the commercial businesses better.

If the 12700 Pioneer Road location is crucial in addressing a coverage issue, I request the Commission require Verizon apply tower masking techniques popular in suburban Denver and Tucson, such as pine tree elements, to blend the tower into the area flora. The City of Minnetonka prides itself on a Tree City and has made substantial improvements with the multi-use trail. Why take a step back by placing an undisguised and ugly tower in a residential area?

I also request the Commission consider placement with the heavy pedestrian traffic on Pioneer Road. The immediate shoulder on the curve at 12700 Pioneer Road is used frequently by pedestrians while traffic is present. Not all pedestrian traffic has transitioned to the multi-use trail.

Last, please confirm the tower image imposed in the photo is truly to scale. I walk Pioneer frequently and sense the tower height is not accurately depicted.

Thank you for your consideration.

Dave Barczak
12800 Pioneer Road

Rachel & Tal Ganani
15011 Tammer Lane
Wayzata, MN 55391

March 17, 2021

City of Minnetonka Council and Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345

**Re: Verizon Wireless Application for Conditional Use Permit for Small Cell
Wireless facility at Linner Road and Tammer Lane**

Dear Council Members and Members of the Planning Commission:

We own the property at 15011 Tammer Lane, and as such are direct neighbors of the property where the small cell wireless facility referenced above is proposed to be located. **We join our neighbors in strongly opposing** the application for a conditional use permit for the Linner Road and Tammer Lane location as presented. We specifically support the reasoning set forth by Thomas and Jill Johnson in their March 10, 2021 letter to the Council and Commission in its entirety, as well as by our other neighbors who have submitted comments in opposition of granting the permit.

We also note the following:

- We are deeply troubled by the lack of any substantive support for Verizon's assertion that no non-residentially zoned locations (including the nearby Fire Department or Linner Park) are available and that existing utility poles (including the streetlight *directly across the street*) could not be utilized. The sole brief unsupported statement by a Verizon employee seems grossly insufficient.
- To the extent the permission of existing structure owners is required (we note that Xcel Energy is referenced in the materials), we would expect Verizon and the City to work towards securing that permission. You certainly have not secured ours.
- We do not understand how a rational person would find that the proposed facility is deemed to be "concealed" or "shrouded". The rendering just shows a huge pole sticking out like a sore thumb. We're sure the reality will be even worse.
- We are currently Verizon Wireless customers and accordingly stand to directly benefit from the purported upgrade to service offered by the proposed facility.

Nonetheless, we strongly believe any such benefits would be significantly outweighed by the resulting negative aesthetic impairment, as well as the potential diminishment to the value of our and neighboring properties.

We appreciate your consideration and hope you reject the conditional use permit as submitted and send Verizon back to the drawing board.

All the best,

Tal Ganani



Rachel Ganani



Mr. Montero stated that the trucks are typically not left idling. The neighbor may be hearing the generator for the refrigeration of the food on the truck. He will work to minimize that noise. He does not anticipate a huge increase in activity on the rear side of the building. He is willing to work with the neighbor to resolve any issues.

Waterman supports the proposal. It meets conditional use permit requirements. The extension makes sense. He appreciates the applicant being receptive to feedback from neighbors and making an effort to minimize noise behind the building.

Powers supports the proposal. He endorses the expansion of a small business. The expansion is natural since the business owner would be able to utilize the adjacent property. He likes the location for outdoor seating. The expansion would compliment other businesses in the area. He appreciates the neighbor's comments.

Maxwell agreed. She is excited to see a small business grow, thrive, and expand in Minnetonka. The expansion makes sense. The footprint of the building would not change. The addition of outdoor seating would benefit the neighborhood.

Banks concurred. He supports the proposal. He hopes that the applicant would minimize the noise that would be heard by the residential neighbors. The expansion would be an asset to the restaurant and businesses in the area.

Chair Sewall felt that the restaurant owner has earned the expansion by being a good neighbor and running a good business. Being able to expand a restaurant during a global pandemic is a testament to the hard work being done by the applicant. The expansion is natural. The size of the building would not be increased. He loves the outdoor seating. He supports staff's recommendation.

Maxwell moved, second by Banks, to recommend that the city council adopt the resolution approving a conditional use permit with variances for expansion of an existing restaurant with on-sale liquor at 14725 Excelsior Blvd.

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council at its meeting on April 12, 2021.

C. Resolution approving conditional use permits for small-cell-wireless installations within public right-of-way.

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

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

Banks asked if the two small-cell-wireless-facility styles are the only options and if there is a difference in the performance of the two styles. Gordon explained that the second style was offered after staff requested a stealthier option. He invited the applicant to provide more information.

Tammy Hartman, Verizon Network Outreach Manager, representing the applicant, introduced engineer Chad Loecher, attorney Anthony Dorland, and outreach network teammember Amber Johnson. She provided a presentation showing the demand for cellular service. She stated that:

- The small-cell-wireless facilities are replacing towers.
- The proposed locations are not speculative. The capacity need exists now.
- Verizon's preferred method and pole design is labeled as design two.
- Ten small-cell-wireless facilities are needed in Minnetonka to maintain the need. Verizon found one commercial location and three collocation sites that would work. The other six sites did not have a utility pole in the locations needed to collocate.
- The poles that utilize radios mounted near the antennae are Verizon's preferred design because they provide a higher level of service than the antennas with the radio mounted at the base. Signal loss results in a smaller footprint for the small-cell facility and increase the need for additional facilities. The installation next to the antennae would make it easier to be swapped out with new technology.
- All equipment must comply with FCC safety standards.
- The 1966 Telecommunications Act prohibits local authorities from considering health concerns as part of the permitting process.
- The network is expanding because more people than ever are relying on a network device.
- Sixty-one percent of households do not have a landline.
- By 2023, there will be 31 billion connected devices.
- Eighty percent of 911 calls were made with cell phones last year.
- Wireless is a critical component in schools and for today's students.
- She thanked commissioners for their time.
- She requested the application be approved.
- She was available for questions.

Waterman asked if Verizon would allow another provider to collocate on the tower. Ms. Hartman explained that Verizon would collocate on an Xcel tower. The small-cell facilities are 29 feet tall.

Banks appreciated the presentation. He asked how well the towers would function, if the proposed towers could be repurposed to provide 5G service, and the reason for the differing heights at 29 feet, 30 feet, and 34 feet. Ms. Hartman explained that the varying

pole heights are dependent on the site topography and surrounding interferences. Minnetonka has a serious need for capacity and coverage to make a basic phone call. When 5G would come to Minnetonka, there are ways to repurpose the proposed towers. The original design has been deployed in Minneapolis, Edina, St. Paul, Bloomington, Wayzata, and numerous other cities.

Chair Sewall confirmed with Ms. Hartman that the more effective pole is the one with the box on the bottom and Verizon would have collocated all of the towers if that would have been possible in the needed coverage-gap locations.

Chair Sewall asked about the light pole on Linner Road. Ms. Hartman confirmed that there was a reason that prevents that light pole from being used.

Powers felt that the coverage is needed. People would adapt to a change in landscape. He asked if there is a better place to locate the towers than the proposed locations. Ms. Hartman explained that Verizon found these locations to be the best ones to fill the gaps in coverage and, if collocation would be possible, then that would be the first option. A coverage gap means that due to the amount of data being used, it makes it difficult for a cellphone user to make a phone call.

Powers asked what percentage the coverage gap would be helped by the proposal. Mr. Loecher answered that each location is somewhat unique and the proposal would fix current issues with poor to no reception for phone calls and web pages that would not load properly. The locations hit the target areas that need help while being as less obtrusive as possible. It would be difficult to put a percentage on each location. He estimated that a small-cell node could handle 10 percent of the load of a macro tower depending on environmental factors.

In response to Waterman's question, Ms. Hartman answered that sites are chosen to best fit the need for the area based on the surrounding topography, tree coverage, and traffic safety in the least obtrusive way possible.

Maxwell asked how gaps are identified. Mr. Dorland explained that customers call Verizon when there is an issue. That is the goal of the site. The gaps are 600 feet to 1,000 feet wide. A state statute allows the city to require a separation distance between wireless poles. The code has a 200-foot minimum separation requirement.

Mr. Loecher explained that coverage gap areas are identified using third-party drive test results, customer complaints, in-house modeling and in-house testing in the area. The technology is constantly changing. The study took a year to complete and there is a definite need in Minnetonka for capacity and coverage.

Chair Sewall noted that, according to state and federal law, the commission may make a recommendation to the city council only relating to the size and appearance of the small-cell towers, not on the proposed locations or whether a tower is needed.

The public hearing was opened.

Thomas Johnson, 15001 Tammer Lane, stated that:

- He opposes to the location at Linner Road and Tammer Lane.
- He provided a letter in the agenda packet.
- The visibility of the tower would be unshielded in the mid-block location.
- Neighbors agree with his opposition to the proposed location.
- State statute allows a reasonable request be considered to move a cell tower location to another existing location.
- The cell tower would be placed for a range of 500 feet to 1,000 feet for 53 residents and travelers in the area.
- He questioned whether the five or ten percent load is applicable when he does not use Verizon to use data at home.
- He did not agree with the city attorney. He thinks there is no state statute that allows telecommunications companies "carte blanche" authority to locate new facilities in residential districts.
- He asked for clarification of the decision to locate the tower in the proposed location.
- He favored moving the equipment 150 feet to an existing utility pole.
- This would set a precedent.
- The application is too vague to make a decision regarding a conditional use permit. It should not be accepted in this form.
- He requested a finding that the standards are not for the Linner Road and Tammer Lane location.
- He requested that the planning commission deny the Linner Road and Tammer Lane location and request a non-residential location be used.
- He thanked commissioners for their time.

Tom Ostlund, 15510 Post Road, stated that:

- He opposes the small-cell pole being located at Holdridge Drive and Post Road due to his concerns for his daughter's health. She is an organ transplant recipient and immune compromised. The tower would be 100 feet from their house. He was concerned with the long-term health risks. It is new technology that has not been studied for long-term exposure on immune-compromised individuals.
- He found it disingenuous that fiber optics and cables have been dug up and worked on in the street easement over the last two weeks before the public meeting.
- He spoke to the Verizon team to express his concerns for his daughter's health and received a form letter.
- He requested that the location of the small-cell facility be moved further from his house.

No additional testimony was submitted and the hearing was closed.

Chair Sewall asked the applicant to respond to the concerns expressed by residents.

Ms. Hartman explained that the Linner Road and Tammer Lane equipment could not be located on the existing pole because the pole is not structurally sound, Xcel Energy has monitoring equipment on the pole, and Xcel Energy is a private user and has no obligation to allow Verizon to use the pole.

Ms. Hartman explained that moving the small-cell facility proposed for the Holdridge Drive and Post Road location would cause a coverage gap. She would be happy to talk with Mr. Ostlund. There is information provided by the FCC on the website regarding emissions. She also provided an email address that could be used to receive information. The small-cell facilities are operated safely.

Gordon stated that right-of-way permits have been authorized by engineering staff to connect telecommunications infrastructures. There is a small-cell wireless project page on minnetonkamn.gov to learn more about the regulations regarding telecommunication utilities.

Maxwell asked how private and public poles could be identified. Gordon explained that each pole would be looked at individually.

Powers felt it would make more sense to use the most effective pole style since the objective is to improve coverage and there is not that big of a difference between the two styles. He suggested the city do its own study to determine health risks. It seemed awkward for the city to not have more authority to determine the location of the poles. He did not think 10 percent improvement seems worthwhile. He understood that it would be located in the right-of-way, but it would still impact the resident's yard. He did not see a reason to vote in favor of the application, but there was no legal basis for him to deny it. He does not like it.

Maxwell agreed. She felt for the neighbors. Neither of the options would be stealthy. Unfortunately, commissioners do not have much choice. Changing the color or style would not have a significant impact. She would choose the style that would be most efficient at providing coverage. Having the equipment at the top of the pole may prevent kids from climbing on it.

Powers likes the silver color the best.

Maxwell favored having each pole color match its surroundings as much as possible such as using green if the pole would be located next to an evergreen tree.

Waterman agreed with Maxwell. He loves technology, but it is frustrating as a neighbor and commissioner that they have no influence in deciding the location of the poles. He has the biggest issue with the Linner Road and Tammer Lane location. He might be

inclined to not act on that one to see if it could be made stealthier. He likes the silver, but also likes the idea of customizing the colors to match the different surroundings. He had no preference on the style. The small-cell facilities would probably initially look out of place, but, eventually, blend into the landscape. He supports the conditional use permit application except for the Linner Road and Tammer Lane location.

Banks acknowledged that property owners of single-family residences mow and maintain the grass portion of the street right-of-way and a small-cell pole would not be appreciated. He did not see a big benefit for the property owner, but it is not in the commission's purview to change the location. He likes the look of design two with the radio equipment at the base to provide a leaner look on the top, but it might be safer to have the equipment at the top so it would not be as easy to tamper with. He likes the grey color the best, but would consider changing the color to match the pole with its surroundings.

Chair Sewall noted that the city is trying to do what it can while following state and federal laws. He did not like it, but had no authority to change it. The meeting provided a public forum for residents to provide comments and do what can be done. He agreed with using the style that would provide the most effective coverage. He had no opinion on the color.

Maxwell encouraged residents who are frustrated with the laws to contact their state and federal law makers.

Powers moved, second by Waterman, to recommend that the city council adopt the resolutions approving conditional use permits for small-cell-wireless facilities at the following locations specifying unenclosed or enclosed pillar design and color:

- ***Linner Road and Tammer Lane***
- ***Holdridge Drive and Post Road***
- ***Indian Circle West and Council Circle***
- ***Lake Street Extension and Hull Road***
- ***Pioneer Road and Merilee Lane***
- ***Baker Road and Deerwood Drive***

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

This item is scheduled to be reviewed at the city council meeting on April 12, 2021.

9. Other Business

- A. Concept plan for Glen Lake Apartments at 14317 Excelsior Blvd.**

From:
To: [Loren Gordon](#)
Subject: Re: Small Wireless facilities
Date: Monday, March 29, 2021 6:22:55 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)

Loren,

Where is the City in their efforts to establish designs for combination street lights and small wireless facilities?

Looks like the City of Denver was out ahead of the curve.

https://www.denvergov.org/files/assets/public/doti/documents/standards/pwes-016.1-small_cell_infrastructure_design_guidelines.pdf

My understanding is that Verizon and Xcel are working together on these designs and actively using them .

Would the City object to the street light designs in the document?

Regards,

TJ

On 3/26/2021 2:45 PM, Loren Gordon wrote:

Hi Tom,
The change memorandum from the planning commission meeting with letters is attached. This will be included in the packet information for the April 12 city council meeting along with any other letters the council receives prior to packet distribution.
-Loren

From: Thomas Johnson
Sent: Friday, March 26, 2021 9:38 AM
To: Loren Gordon
Subject: Re: Small Wireless facilities

Loren:

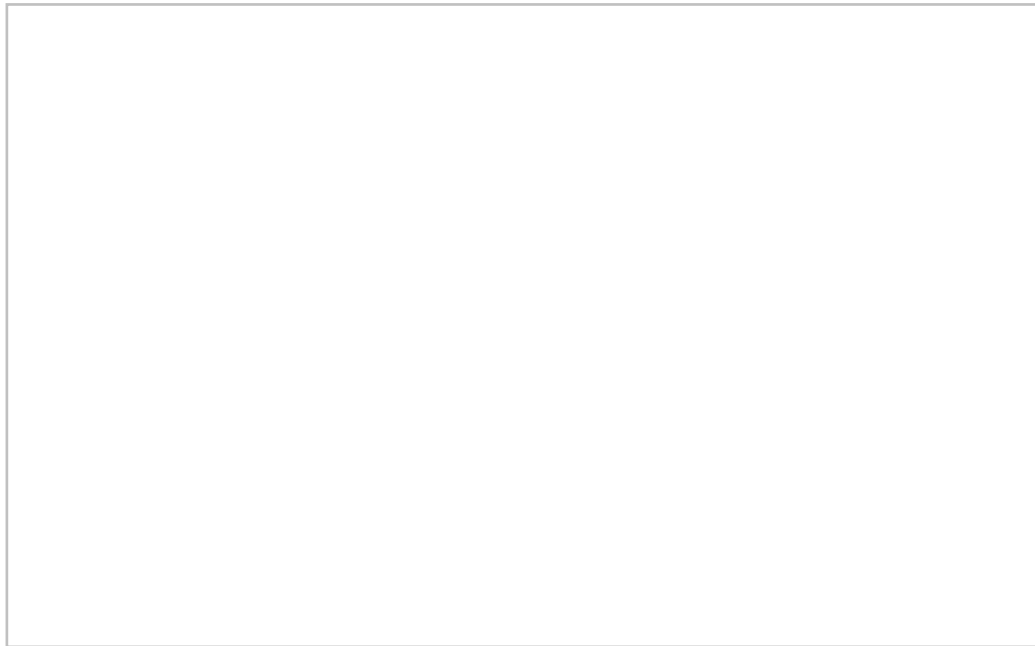
I heard from neighbors that there were additional letters sent to the City for the Planning Commission meeting. Could you forward a copy of the updated material and those letters provided to the commission members.

Thanks,

TJ

On 3/24/2021 12:41 PM, Loren Gordon wrote:

Tom,
Xcel Energy owns and maintains the light at the corner of Linner Rd. and Tammer Ln. The equipment on the pole is also Xcel's. This map clip shows the highlighted pole and some attribute data.



The planning commission's role last Thursday was to hold a public hearing and make a recommendation to the city council. The city council has the authority to approve or deny the application, therefore there is no process to appeal the planning commission. Your position is best taken to the council when the item comes before them at the April 12th regular meeting. My goal Tom is to provide you with timely and accurate information about the application and help you navigate our review process. I also know that with our city regulatory limitations, reaching out to the applicant to discuss your thoughts and ideas about location might be the most productive option. I offered Tammy Hartman's contact information because she has been our direct contact for the past couple years.

-Loren

From: Thomas Johnson

Sent: Wednesday, March 24, 2021 11:28 AM

To: Loren Gordon

Subject: Re: Small Wireless facilities

Loren,

Does the City own the light pole on the corner of Linner and Tammer Lane? Who's telecommunication equipment is installed there? If Verizon were to relocate there with their proposed pole, would the City be allowed to place their street light on their pole and would the other communication equipment be allowed to be placed there. If not, could you point me to the policy or other regulation which would prohibit it?

Also, can you direct me to the forms needed to appeal the decision of the Planning Commission.

I will be reaching out to the City attorney shortly as the office has not responded to the request.

Since the laws are in very recent, perhaps what needs to be done to level the field is a court case to either confirm their carte blanche location right, or to elaborate exactly what the law means in practice. Perhaps the opinion or court precedent provided by the City attorney could better help shine a light on the issue.

While reaching out to Verizon may sound like a good idea, The contact is just a PR person and based on her answers provided in the public hearing, would be a waste of my time and hers. Perhaps she should have reached out to the public and effected landowners before getting this far down the process?

Thanks,

TJ

On 3/22/2021 12:19 PM, Loren Gordon wrote:

Tom,

For the past two years, staff has been engaged in discussions with Verizon Wireless regarding rollout of their microcell sites. We have had many long and tough conversations about what we sought to control - as we would with other land use matters. As I mentioned during the planning commission presentation and the recent telecommunications ordinance revisions in Jan. '21, state and federal laws essentially

usurp the city's authority to regulate antennae location within the right-of-way. What we do have control over are aesthetics, which we chose to regulate with a conditional use permit. As I mentioned in my previous email, unlike Minnetonka, other cities have chosen to accept the status quo, outright allowing these facilities in the right-of-way as a permitted use.

If you are unhappy with the location, my suggestion is that you contact Verizon directly to discuss. The city has no authority on location of these antennas in the right-of-way. The contact person is:

Tammy Hartman
Network Outreach Manager
tamora.hartman@verizonwireless.com

There is information about small cell wireless on the city's website - <https://www.minnetonkamn.gov/government/departments/community-development/planning-zoning/small-cell-wireless-facilities>. The laws are very clear cities have no authority to regulate their location in the right-of-way.

I'm copying our city attorney, per your request, if you have additional follow up. Given cities administer the state law requirements, I am going to suggest reaching out to your state representative will be a more persuasive avenue for change.

Regards,

-Loren

From: Thomas Johnson
Sent: Saturday, March 20, 2021 1:45 PM
To: Loren Gordon
Subject: Re: Small Wireless facilities

Loren,

You misconstrued my disappointment. It is with the City Planning staff. You have accepted the status quo view that you have no input into the process. There are a thousand ways to say no without ever saying it. There were questions that should have been asked in the Staff review process, we gave you specifics, you just rolled.

I felt the Planning Commission was looking for something to act on in the meeting, we gave you specifics where your staff recommendations were deficient and needed additional clarification, City Planning Staff gave the commission no cover. We firmly believe the applicant's answers to their questions were misdirected or woefully inadequate.

If you believe that location of a tower, in the context of a radius of 150 feet, is the only variable used in the efficiency or effectiveness of these towers, please read up on some basic radio frequency research. If you believe location is not in the realm of design, I'll ask you a simple question, is your internet router located on the floor in the middle of your living room? I speculate it is not.

What I asked for in my message below was a copy of the opinion you have relied on in preparation of your Staff recommendation.

I'll say again, State law does not give telecommunication companies carte blanche authority to locate at a specific spot. If so, please provide the Minnesota Statute reference.

Since City Staff believes they have carte blanche authority, we request to see the legal opinion upon which that interpretation is based. If that is with the city attorney, please forward my message.

Thanks,

TJ

On 3/19/2021 6:00 PM, Loren Gordon wrote:

Hi Tom,

I understand your disappointment. The city takes great pride in having local controls to reflect what we want in our community. Unfortunately, this is not an area that we will succeed. Ultimately, the telecommunications laws are set at state and federal levels. Overtime the laws have eroded local control. The new right-of-way law is the most current example of this.

As I mentioned last evening, in the recent telecommunications ordinance update, the city incorporated the only discretion the law provided to regulate aesthetic aspects of these new facilities. We have come to learn that Minnetonka is the only city in the southwest metro that requires a public review process for new facilities. Other communities outright permit these facilities in their right-of-way – no public review.

Our city attorney has been involved in the crafting of the recent update as well as the review of the Verizon applications. If we thought there was an opportunity for additional review discretion under the law, it would likely be incorporated in the update. The reality there is no additional local control authority.

Our city website has resource information on small cell wireless facilities - <https://www.minnetonkamn.gov/government/departments/community-development/planning-zoning/small-cell-wireless-facilities>

I hope you can appreciate that although we don't agree with the state and federal laws, we do have an obligation to uphold and not obstruct them in our local permitting.

Regards,

-Loren



<!--[if !vml]--><!--[endif]-->Loren Gordon, AICP
| City Planner

City of Minnetonka | minnetonkamn.gov

14600 Minnetonka Blvd. | Minnetonka, MN 55345

Office: 952-939-8296

*Please note the website and email address change to minnetonkamn.gov

From: City of Minnetonka, MN

Sent: Friday, March 19, 2021 5:13 PM

To: Loren Gordon

Subject: Small Wireless facilities

Message submitted from the website.

Site Visitor Name: Thomas Johnson

Site Visitor Email:

Loren,

I'm disappointed the Staff and the Planning Commission were unable to see a path to push back on Verizon and gain some ground back on control over the visual ambience in the City.

I would like to request guidance on what the City Attorney has provided you regarding the limit of your review to design and color.

You made reference to an opinion from outside council on the matter. Is this available for review?

Thanks,

TJ

--
on



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on

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on

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Thomas Johnson

From:
To: [Loren Gordon](#)
Cc: [Brad Wiersum](#)
Subject: Small Wireless Facility
Date: Friday, April 2, 2021 1:12:55 PM
Attachments: [XCEL POLE-2 \(003 Denver\).jpg](#)
[Xcel Energy's Ed Bieging on How Utiliti... Accelerate 5G Network Buildouts - WIA.pdf](#)

Loren,

In the Planning Meeting the question was asked of Verizon whether they could use the existing utility pole at Linner Road and Tammer Lane. Their answer was no which is correct as the pole is not high enough or strong enough.

However, that was the wrong question to have asked them. It should have been asked if Verizon requested Xcel to co-locate at this location. From what Xcel told me, they do not recall that request being made.

To place their wireless pole on the street light location, they would need an agreement with Xcel and approval from the City of the design of the poles. Such negotiations have been successful in other Cities.

Without any pressure from the City, or in a broader sense, the metro area, Verizon would take the path of least resistance and least cost. All to the detriment of the aesthetics of our City.

Attached is an older article by Mr Bieging who at the time was working for Xcel on the co-location of wireless facilities on Xcel's street light locations. He has since moved on to a consulting role in rolling out this initiative. Even though an older article, our recent conversations with Xcel confirm this is an active program.

I had previously sent you the pdf of approved street light poles that both Xcel and Verizon are using in Denver where the focus of the cooperative work is taking place.

I have also attached a photo of the installed poles.

As presented in the Planning Commission meeting, we do not accept staff's conclusions and findings of facts as they specifically relate to the Linner Road and Tammer Lane location. What Staff presented in the Planning meeting is not consistent with the recent Telecommunication Ordinance or the existing City Code 1120.

We ask that these inconsistencies be addressed in your materials to be presented to the City Council. If you believe they are consistent with the Ordinance and Code, an explanation is warranted. If not, we believe the application for the conditional use permit would be a variance request.

You have said the City Attorney has instructed you in this application; we have sent an email on the City website and not heard back. We would be interested in seeing the guidance that was presented and the opinions used to back the guidance.

If you proceed with the approval of this application as submitted, you will provide a very damaging precedent for future small wireless facilities. AT&T, T-Mobile and others will be placing poles without guidance from the City in utilization of the existing light pole locations.

I have gone ahead and copied the Mayor on this communication as background and will be reaching out to him and the other members of the council to get our views communicated prior to the April 12th meeting.

We hope the City will work toward an amicable solution to the upcoming wave of small cell installation applications. Other Cities are actively encouraging these co-location agreements and pushing in the direction of shared use instead of allowing uncontrolled proliferation of towers, especially in residential neighborhoods.

TJ

Thomas Johnson

15001 Tammer Lane



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WIA Blog

Xcel Energy's Ed Bieging on How Utilities Can Help Accelerate 5G Network Buildouts

From: [Kristen Beckman](#) / April 24, 2019 / Topics: [5G](#), [Innovation](#), [Small Cells](#), [Wireless Infrastructure](#)



Hundreds of thousands of new small cell sites are expected to be needed to support 5G and the revolutionary services it will enable — from connected vehicles to the internet of things. This densification effort will require close cooperation among wireless carriers, infrastructure providers

and cities as network equipment reaches deeper into communities at a block-by-block level.

Utilities could become key facilitators in the coming wave of 5G wireless network buildout. Companies like Xcel Energy own thousands of assets — such as street lights — deployed in rights of way across the country that could be leveraged for small cell deployments. Xcel Energy recently launched a program to allow carriers to install small cells on its street light poles, including both existing and new sites, beginning primarily in Colorado where it owns 187,000 street lights. The company has developed an approval, design and construction process that will allow carriers to efficiently get small cell sites into operation while easing city concerns about infrastructure clutter in rights of way.

Interest in the program has been strong, according to Edward Bieging Jr., Project Manager for Small Cell Dual Use Pole Deployment for Xcel Energy. The company is working with service providers on more than 1,000 requests that are in various stages of approval and design, and it anticipates even more demand in the next year. Construction on the first site developed as part of its dual-use program is expected to begin soon, and once the process is streamlined, the company expects to deploy between three and five sites per week, Bieging said.

Bieging will discuss Xcel Energy's dual-pole program at [Connectivity Expo](#) on Wednesday, May 22, during a panel focused on innovative infrastructure solutions. In preview of that

Xcel Energy offers a new option for 5G infrastructure deployment. How is the company helping to solve the 5G siting dilemma?

In late 2016 and early 2017, Xcel Energy made the decision to allow wireless carriers to use our street light asset sites for the deployment of Small Cell Dual Use Street Light poles and began to develop processes to make that happen. The goal was to create an efficient system that assists in getting poles in the ground as quickly as possible. We spent 2018 reviewing new site requests and developing and refining processes. As sites moved through the process and we gained a better understanding of carrier expectations, we have developed pole manufacturer relationships, proactively ordered pole and foundation equipment, and have had many conversations with city officials.

What is the process for a carrier to request a dual-use site with Xcel Energy?

The first step is to enter into a street light attachment agreement with Xcel Energy. Then the carrier must get approval in the form of a letter of no objection from the jurisdiction for the site or sites they want to use for their deployment. Once approval has been given, the carrier then submits a preliminary request in our tracking system. After that, we perform a verification of ownership followed by a field assessment, during which we locate underground facilities and analyze the site for specific criteria, such as Americans with Disabilities Act restrictions and speed limits, to make sure the site is suitable for a dual-use deployment.

Once field assessment is completed, a field report is created that provides Xcel Energy and the carrier important information, including where to feed power to the small cell if needed. The power location identification shortens the design process and land survey which is required to determine if the power design is in the right of way.

Can carriers choose both existing sites and new locations?

We've actually made the decision to go forward with new build as well, so if a carrier wants a standalone pole at a certain corner where the city also needs a new streetlight, we are open to installing a brand new dual-site pole at that location. If a carrier chooses an existing street light location, we will remove the existing base and pole and put in a brand-new base and pole because the base needed to support new small cell sites is too large for the existing equipment. We will hook up the street light and the carrier will run their power to the pole to light up the small cell device.

What kind of poles do you offer for small cell deployments?

We have two standard poles – internal- and external-mounted small cell street light poles. We wanted to make sure we are consistent with a standard pole because cities don't want

Time to on-network is the main focus of our Small Cell Dual Use Street Light pole installation process. We know that they need and want to get ready for 5G and having an existing asset there is critical for the success of their small cell deployment.

What do carriers need to know about working with utility assets?

The actual removal and replacement of the poles should be pretty easy. It's the power run to feed that small cell that is going to be a concern. Where is the power going to be fed and how much is that going to cost? Is it just simple run underground to that area that you can directionally bore or plow and hook up to the transformer, or is the transformer full? Do we need to design another transformer or design a more robust transformer? If we have to go down that path, it might be a bit more time consuming. If we don't, it should be an easy installation.

What have you learned working with the City of Denver?

Like any city, they don't want clutter in the right of way. They want standards. They want equipment that is going to last. They want sites that are going to look good. They want the least amount of disruption to the residents and to the people in Downtown Denver and neighborhoods. They want to take opportunities as well. For example, if there's a request where there's a wood standalone pole, they want to know if there is an opportunity to underground overhead wire to make it more aesthetically pleasing to the neighborhood. I think it pleases cities to know that we are helping and assisting with those installations. There's going to be times when a monopole or a standalone pole is going to have to be installed because a carrier needs it, but I think everybody so far is working together, getting ordinances put together and understanding the process. Cities don't feel like they are all alone out in the small cell world. We are here to help them through that process.

How is Xcel Energy preparing for the future demand for sites?

New development could impact infrastructure and it's a great opportunity to bring Xcel Energy, carriers and developers together to work collaboratively on getting Small Cell Dual Use Street Lights deployed in new development with minimal impact to the residents. We're working with builder developers and carriers to plan infrastructure during the development stage and get that stuff in the ground and the small cell network mapped out in that development prior to the ground being closed up. We need to be prepared for the demand and not stuck behind the eight ball, slowing things down. A good deployment strategy is the best way forward.

Don't miss Bieging's panel "Accelerating Small Cell Deployments with Innovative Infrastructure Solutions" at Connectivity Expo on Wednesday, May 22, at 1 p.m. Bieging will

Small Cells and Fixed Wireless education track, which will explore topics including network densification, artificial intelligence, Massive MIMO, millimeter wave wireless, mission critical fiber and small cell design.

Visit www.connectivityexpo.com for the full list of speakers, keynotes, exhibitors and sessions.



Edward P. Bieging Jr. is a facility attachment consultant working for Xcel Energy on Small Cell Dual-Use Pole installations. He has 35 years of outdoor lighting and customer service experience and consults with cities and municipalities as well as carriers on small cell dual-pole use site requests, internal processes for design, and construction. Bieging has been instrumental in launching Xcel Energy's Small Cell Dual Use deployment in Colorado.

Previously, Bieging was LED Program Coordinator for Xcel Energy where he scheduled, coordinated and executed the company's LED conversion program.

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From: [Deborah Calvert](#)
To: [Geraldyn Barone](#); [Loren Gordon](#); [McKaia Ryberg](#); [Corrine Heine](#)
Subject: Fwd: Verizon Cell Phone Facility on Linner Road/Tammer Lane
Date: Sunday, April 4, 2021 11:47:10 AM

Begin forwarded message:

From: Beth Ryan
Date: April 2, 2021 at 8:00:39 PM CDT
To: Bradley Schaeppi , Brad Wiersum , Deborah Calvert , Susan Carter
Subject: Verizon Cell Phone Facility on Linner Road/Tammer Lane

Verizon Wireless has submitted a conditional use permit application to install a Cell Facility on the Right of Way on Linner Road/Tammer Lane. I strongly oppose this application as presented to the City. It is not 5G technology. This facility violates the City's Aesthetic Ordinance and is not a "stealth" installation. The Cell Facility should be located on alternative open space available or co-located on existing light pole on a street corner. There is no need to place this in the middle of a landscaped lawn when there are alternative locations available.

I request that you deny the conditional use permit application as submitted for use on Residential Right of Way. This matter is on the agenda for the April 12 city council meeting.

Beth Ryan

Sent from my iPad

From: [Deborah Calvert](#)
To: [Loren Gordon](#); [McKaia Ryberg](#); [Geraldyn Barone](#)
Subject: Fwd: Cell tower 15001 Tammer Lane
Date: Sunday, April 4, 2021 11:44:39 AM

Sent from my iPhone

Begin forwarded message:

From: Jeff Gambach
Date: April 2, 2021 at 7:37:56 PM CDT
To: Susan Carter , Deborah Calvert , Bradley Schaeppi , Brad Wiersum
Subject: Cell tower 15001 Tammer Lane

Good evening,

I'm writing to you in opposition to the conditional use application for the small cell tower on the referenced Tammer Lane property. This site is neither high ground nor already in use. The underground wiring approximates an existing light post on the NW corner of the Tammer LN Linner Rd intersection. Linner is a busy residential road with lovely trees and certainly does NOT need another pole. If a tower has to go in it should go into Linner Park (much higher ground) or be installed on the existing light post.

It seems to me Minnetonka has been fairly reasonable in its approach to most issues. We've lived here since 2004. This action however seems unnecessary and unusual.

Please vote to deny the conditional use permit at the April 12th City Council meeting.

Thank you,
Jeff Gambach
1913 Deer Hill Drive

From: [Deborah Calvert](#)
To: [Loren Gordon](#); [McKaia Ryberg](#); [Geraldyn Barone](#)
Subject: Fwd: Please Oppose
Date: Sunday, April 4, 2021 11:47:48 AM

Sent from my iPhone

Begin forwarded message:

From: Jennifer Indermaur
Date: April 3, 2021 at 7:19:40 AM CDT
To: Deborah Calvert
Subject: Please Oppose

I am writing to ask that you deny the Verizon conditional use permit application to install a Cell Facility on the Right of Way at 15001 Tammer Lane. This is NOT 5G technology. This violates the City's Aesthetic Ordinance and is not a "stealth" installation. The Cell Facility should be located on alternative open space available or co-located on an existing light pole on the street corner. Thank you.
-Jennifer Indermaur

From: [Fiona Golden](#)
To: [Fiona Golden](#)
Subject: FW: Verizon's Small Wireless permit application
Date: Monday, April 5, 2021 12:24:06 PM

On Apr 3, 2021, at 2:53 PM, Thomas Johnson wrote:

Deb,

Your response to Beth's comment on nextdoor was posted this morning and we have placed a reply to your comment. I will be reaching out to you and other Council members directly and had planned to do so next week, but this will provide you some background on our position.

First, here is the reply we posted

We appreciate Deb's thoughts and update on her past efforts on this issue.

Hopefully over time there will be a better balance in the location issues between the city and telecommunication companies.

The Verizon application being voted upon on April 12th is for 10 locations. We are not asking the council to deny the entire application, and our comments here are based on the one location on Linner Road. We sent a letter to the City as part of the public record of the Planning Commission Meeting held March 18. The material is available on the City Web site.

In our letter we ask the Council for the following:

1. Separate out the Linner Road approval from the application
2. Ask for more information on other feasible locations
3. At minimum, move the location to the existing pole location at the corner of Linner Road and Tammer Lane.

There is no provision in Federal or State law that gives Telecommunications companies "Carte Blanche" authority on the location of their facilities.

The law gives them great latitude on locations and does indeed limits the authority of cities to discriminate or delay applications.

The very reason the Verizon application is now before the City Council is the provision in State law that requires facilities in low density residential districts obtain a conditional use permit. The conditional use permit process is in place to balance the rights of the citizens affected by the issue and the reason we are reaching out to council members as the arbitrator and judge.

The proposed location, being mid-block in a residential landscaped lawn, adjacent to two driveways, and along a heavily traveled residential street for a large neighborhood, without any visibility shielding except color, does not and should not qualify as the "use of as many stealth techniques as reasonably possible" in their design.

If the Council were to approve the application for the Linner Road location, it would be in direct conflict with the new Ordinance No. 2021-01 amending the city's telecommunications regulations replacing section 310.03 of the City Code adopted January 25, 2021.

The fear of a law suit is not a valid reason to disregard City Code. The council is well within their rights to deny the application for Linner Road in its current form.

Attached is a copy of the letter we sent to the Planning Commission and to the City Council referenced in the letter. It outlines our position well and still holds. In the Planning Commission Meeting I spoke and pointed out several provisions where the Planning Staff's findings were inaccurate or misleading as they relate to the specific location. We are having further discussions with city staff, albeit, they are not giving much support.

Bottom line, we are here to convince you and the Council that the precedent you are setting by approval, directly in conflict with your new Ordinance will provide other telecommunication companies even greater rights as they will claim any pushback from the City will be discrimination.

The way forward, in the Planning Commission Meeting the question was asked of Verizon whether they could use the existing utility pole at Linner Road and Tammer Lane. Their answer was no which is correct as the pole is not high enough or strong enough. However, that was the wrong question to have asked them. It should have been asked if Verizon requested Xcel to co-locate at this location. From what Xcel told me, they do not recall that request being made. To place their wireless pole on the street light location, they would need an agreement with Xcel and approval from the City of the design of the poles. Such negotiations have been successful in other Cities.

Without any pressure from the City, or in a broader sense, the metro area, Verizon will take the path of least resistance and least cost. All to the detriment of the aesthetics of our City.

Attached is an older article by Mr Bieging who at the time was working for Xcel on the co-location of wireless facilities on Xcel's street light locations. He has since moved on to a consulting role in rolling out this initiative. Even though an older article, our recent conversations with Xcel confirm this is an active program. I have also attached a photo of an installed pole.

The Council has all the rights required to separate the Verizon application, and table it pending additional information on the co-location at the existing corner location, or outright denying it due to aesthetics. We believe to do otherwise is dereliction of your elected duties.

I would be happy to meet with you at the proposed location and discuss any questions you may have.

Thank you for your consideration

Thomas Johnson



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www.avast.com

<2021-03-10 Letter to Minnetonka re Linner Road and Tammer Lane.pdf>
<Xcel Energy's Ed Bieging on How Utiliti... Accelerate 5G Network Buildouts - WIA.pdf>

From: [Geraldyn Barone](#)
To: [Julie Wischnack](#); [Loren Gordon](#)
Subject: FW: [REDACTED]
Date: Tuesday, April 6, 2021 1:13:00 PM

FYI.

From: Brian Kirk <bkirk@minnetonkamn.gov>
Sent: Tuesday, April 6, 2021 12:49 PM
To: Geraldyn Barone <gbarone@minnetonkamn.gov>
Subject: Fw: [REDACTED]

FYI

Thank you,

Brian J Kirk | Minnetonka City Council, Ward 1
City of Minnetonka | minnetonkamn.gov
Cell: 952-451-6251

From: City of Minnetonka, MN <minnetonkamn@enotify.visioninternet.com>
Sent: Monday, April 5, 2021 2:45 PM
To: Brian Kirk
Subject: [REDACTED]

Message submitted from the <City of Minnetonka, MN> website.

Site Visitor Name: Carol and Sandy Evans
Site Visitor Email: [REDACTED]

I would like to voice my disapproval of the proposed Verizon Cell Tower at the corner of Tammerlane and Linner Road. What an eye sore this would be on a beautiful neighborhood street. Other locations in Mntka should be considered - why not in Linner Park tucked in near the woods? I encourage the Mntka City Council to vote NO on this proposed tower.

From: City of Minnetonka, MN
To: Kyle Salage
Subject: *NEW SUBMISSION* City council and EDA email comments
Date: Wednesday, April 7, 2021 3:43:00 PM

City council and EDA email comments

Name

Norman Gaskins

Full Address

4177 Hull Road
MNMinnetonka55305
United States

Phone

Email

City council or EDA

City council

Meeting date

04/12/2021

Agenda item

Hull Road and Lake Street Ext Verizon tower in front yard that will create a blind intersection on busy feeder road (Lake Street Ext)

Comment

Hello, I would like to make the City Council of a potential hazard that can cause harm, property damage and bodily injury to our residence if the Verizon Cell tower is erected in the proposed location on the corner of Hull and Lake Street Ext. Access to Lake Street Ext from Hull Road already offers limited visibility to on-coming cars from the east (left) because of the tree line. With the addition of a large Cell tower jettisoning even further into the approaching drivers site line, it will leave very little visibility to oncoming traffic. This will result in accidents. The proposed location was presented and submitted to the planning commission during the winter while the leaves were gone. This proposed location requires another evaluation in the summer with normal foliage. I have no intention of cutting any of my trees in my yard to make way for a industrial cellular tower. Verizon should take the safety of Minnetonka resident in consideration when making decision on location. All other above utilities are positioned on the other side of Lake Street Ext for this reason. There are no existing blind entrances on the south side of Lake Street Ext and that location needs to be consider for the safety of our residents. My other concern is having the Cell Tower in such close proximity of the neighborhoods Fire hydrant! This may cause an access hazard in the event that more than one fire truck needs to hook to it. The Fire Hydrant is less than 20' from the proposed Verizon cell tower location. I have taken pictures of the proposed location from my car with approaching cars to prove my claims. I would like to upload them but not sure how to do this. This location need to be rejected on the basis that it posses multiple hazards to our community and another location need to be considered. Thank you for you considerations. Warm Regards, Norm Gaskins 4177 Hull Road, Minnetonka, MN 55305

Resolution No. 2021-

Resolution approving conditional use permits for small cell wireless installations

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

Section 1. Background.

1.01 Verizon Wireless has requested conditional use permits for small cell wireless facilities on new support structures, as follows:

Group	Site	Location	Height
1	1	West of Linner Road, South of Tammer Lane	34 feet
	2	West of Holdridge Drive, North of Post Road	34 feet
	3	West of Indian Road West, North of Council Circle	30 feet
2	1	North of Lake Street Extension, East of Hull Road	34 feet
	2	North of Pioneer Road, West of Merilee Drive	30 feet
	3	West of Baker Road, North of Deerwood Drive	34 feet

1.02 On March 18, 2021, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permits.

Section 2. Standards.

2.01 Minnesota Statutes §237.163 outlines statewide regulations for telecommunication use of the public right-of-way. Those regulations are incorporated into this resolution by reference.

2.02 City Code 310.03 Subd.8(a) outlines conditional use permit standards for small cell wireless facilities located on new support structures in public rights-of-way adjacent to single-family residential districts. Those regulations are incorporated into this resolution by reference.

Section 3. Findings.

3.01 The proposed installations would meet the conditional use permit standards

outlined in 310.03 Subd.8(a) and as detailed in the March 18, 2021 planning commission staff report.

Section 4. City Council Action.

4.01 The above-described conditional use permits are approved, subject to the following conditions:

1. Subject to staff approval, the facilities must be developed and maintained in substantial conformance with the following plans, all with a revised date of Jan. 27, 2021, except as modified by the conditions below:
 - MIN BLAISE, SC 4 (West of Linner Road, South of Tammer Lane),
 - MIN BLAISE, SC 3 (West of Holdridge Drive, North of Post Road),
 - MIN EQUESTRIAN SC2 (West of Indian Road West, North of Council Circle)
 - MN TONKA SC7 (North of Lake Street Extension, East of Hull Road)
 - MN TONKA SC1 3 (North of Pioneer Road, West of Merilee Drive)
 - MN TONKA SC8 (West of Baker Road, North of Deerwood Drive)
2. A Small Cell Wireless Facility Permit, as outlined in and subject to City Code §1102, Right-of-Way Management is required.
3. Facilities and equipment must be:
 - a) Constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must be in compliance with the manufacturer's specifications.
 - b) Constructed of aluminum or steel.
 - c) An enclosed/pillar design, in gray/silver color, as depicted in the March 18, 2021, Planning Commission Report.
 - d) Not be artificially illuminated.
4. The watermain on Holdridge Road must be field located before installation of MIN BLAISE, SC 3. The facility must be located at least 10 feet from the watermain to allow for maintenance of the pipe.

5. Electrical service conduit crossing must be directionally drilled beneath Council Circle for MIN EQUESTRIAN SC2.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 12, 2021.

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 April 12, 2021.

Becky Koosman, City Clerk

City Council Meeting Item #14B
Meeting of April 12, 2021

Brief Description: SAFER Grant Application and Fire Department Staffing

Recommendation: None – informational only

Background

The city operates what is known as a combination fire department, meaning that a combination of full-time personnel and part-time/paid-on-call staffing is used in order to deliver emergency services to the city of Minnetonka. The current emergency response staffing plan calls for four part-time/paid-on-call personnel on duty, along with one full-time Battalion Chief. Although the current model has served the city well for many years, the challenges of safely sustaining it are becoming insurmountable.

As a result, and for the reasons explained in this report, staff has applied for a federal Staffing for Adequate Fire and Emergency Response (SAFER) grant that would provide financial assistance to help the Minnetonka Fire Department increase the city's cadre of frontline firefighters. This application/proposal would still maintain the city's combination department, but it would expand the number of full-time response employees from 11 to 24. Paid-on-call firefighters would still be used for duty crew and call back staffing, along with six full-time employees per shift staffing two of the city's five fire stations twenty-four hours a day.

This application/proposal is being made at this time due to several factors that impact the city's ability to maintain a safe and effective emergency response. These factors are the on-going turnover of paid-on-call firefighters and the opportunity to improve staffing and response times of first arriving fire crews and equipment at emergency incidents.

The number of paid-on-call firefighters authorized in the city's budget is 80. Since 2014, the city has hired and trained over 90 paid-on-call firefighters due to attrition. This turnover is not a phenomenon isolated to Minnetonka; rather, it is a growing trend both regionally and nationwide. The city has dedicated considerable resources to recruitment and retention of firefighters over the past several years, and while the city is able to recruit applicants, retaining members once they are fully trained continues to be a challenge. For similar reasons, peer metro cities like Plymouth, Eagan, Brooklyn Park and Maplewood have shifted to full-time staffing models. St. Louis Park and Edina have had full-time departments for many years.

It takes approximately 18 months to provide a new firefighter the base level certifications and training to operate as a member of a two person crew. Typically after five years of service a firefighter has enough experience to begin to make crucial tactical decisions. The average years of service for paid-on-call firefighters is currently at 7.8 years. This number continues to decline and leaves the city and the crews at risk when operating with firefighters that lack the experience of seasoned firefighters. This turnover has cost the city nearly \$900,000 over the last seven years.

In 2008 the city implemented a twenty-four hour a day duty crew operating out of the city's central fire station. This program has been tremendously successful when it comes to delivering an initial crew of four firefighters to an emergency scene. While this small crew is capable of rapid response and setting up exterior fire attack, the initial crew must wait for adequate back up before initiating interior fire attack due to Occupational Safety and Health Administration (OSHA) mandates (unless there is a known rescue).

Another critical factor in fire department operations is turnout time and response time. Turnout time is described as the time from which a call is received until crews and apparatus leave the station. Currently the duty crew has an average turnout time of 90 seconds while the city's "on-call" response averages a turn out time of 10 minutes and 37 seconds (resulting in an average response time from call back stations at 18 minutes and 22 seconds). With the goal of any high performing emergency service organization to deliver an adequate number of well trained personnel and equipment to an emergency scene quickly, the time for turn out from on-call stations continues to grow.

In the last quarter of 2020, the fire department responded to overlapping calls (where two or more emergency calls for service are happening simultaneously) 30% of the time. This means that third call for service would be handled by a lone chief officer or by initiating an "all call".

The National Fire Protection Association (NFPA) recommends that a fire department provides a standard for on-call departments. In general, NFPA 1720 provides the following benchmarks:

- **Urban Zones** with >1000 people/sq. mi. call for 15 staff to assemble an attack in 9 minutes, 90% of the time.
- **Suburban Zones** with 500-1000 people/sq. mi. call for 10 staff to assemble an attack in 10 minutes, 80% of the time.
- **Rural Zones** with <500 people/sq. mi. call for 6 staff to assemble an attack in 14 minutes, 80% of the time.
- **Remote Zones** with a travel distance =8 mi. call for 4 staff, once on scene, to assemble an attack in 2 minutes, 90% of the time.

The City of Minnetonka would be considered urban by NFPA terms, and currently fails to meet this benchmark. At this time we are capable of assembling 6 crew members in 10 minutes or less 80% of the time. It should be understood that the initial staffing level is required only to begin operations. Additional personnel are required to fulfill other critical fire ground tasks.

As indicted above, a minimum of fifteen firefighters present at a "routine" small, single room fire at a residential dwelling is required. It is recommended by NFPA that the additional personnel are on the scene within 9 minutes of an alarm (the original personnel should still respond within 5 minutes). *Any staffing level less than that places our firefighters at risk and severely impedes the fire department's ability to perform basic tasks.* As the type and complexity of an incident increases, so does the demand for additional resources.

The city has a very strong relationship with our neighbors and we count on each other to provide and supply "mutual aid". Mutual aid is an agreement among emergency responders to lend assistance across jurisdictional boundaries. Thanks to these agreements, the city is able to get closer to meeting this standard, but still falls short.

In 2020, the fire department was able to assemble 10 firefighters, with mutual aid at an average time of 12 minutes and 21 seconds. Factoring in only Minnetonka personnel (without mutual aid companies) the time was 14 minutes and 53 seconds.

It is the department's policy to provide a steady, adequate stream of resources called three-deep. Three deep is the concept where an Incident Commander (IC) has a steady stream of workers for the required tasks based on the incident's critical factors.

To remain proactive and in order to maintain the ability to deliver basic fire and other emergency services staff is recommending the expansion of career staffing to include full-time personnel at

Station 1 and Station 3 on a continuous basis. These full-time personnel will continue to be augmented by three part-time positions daily allowing the staffing of two three person companies and one two person company.

As noted, staff has applied for a federal SAFER grant that would provide financial assistance to help the Minnetonka Fire Department increase the city's cadre of frontline firefighters. This federal program would fund the hiring and equipping of thirteen personnel for a period of three years. After three years, it would be the city's responsibility to fund these positions. The total amount of the grant if awarded is approximately 3.5 million dollars over three years. There is no required matching of funds over the three year period.

Should the city not receive the grant, later this year staff will present to council staffing options using a phased approach along with a detailed plan on funding, budgetary considerations and risk management alternatives.

Recommendation

This item is informational only. Staff will be available to respond to council questions regarding the grant application.

Submitted through:

Geralyn Barone, City Manager
Darin Nelson, Finance Director

Originated by:

John Vance, Fire Chief

**City Council Agenda Item #15A
Meeting of April 12, 2021**

Brief Description: Appointments and reappointments to the Minnetonka Senior Advisory Board

Recommended Action: Approve the recommended reappointments and appointments

Background

On February 8, February 22 and March 8, the council interviewed candidates for openings on the Senior Advisory Board. The council used a ranking system to score the candidates who interviewed. I am recommending the appointment of the noted applicants below. In addition, the appointment terms expired for some members of this board. They have been valuable and productive members, and I am also recommending the reappointment of the following eligible members.

Recommendation

To approve the following reappointments and appointments to the Minnetonka Senior Advisory Board:

- Richard King, to serve another two-year term, effective February 1, 2021 and expiring on January 31, 2023.
- Thomas Scott, to serve another two-year term, effective February 1, 2021 and expiring on January 31, 2023.
- Setara Barukzoy, to serve the rest of a term, effective April 13, 2021 and expiring on January 31, 2022.
- Lisa Lee, to serve the rest of a term, effective April 13, 2021 and expiring on January 31, 2022.
- Heidi Weinberg, to serve the rest of a term, effective April 13, 2021 and expiring on January 31, 2022.
- Jim Tift, to serve a two-year term, effective April 13, 2021 and expiring on January 31, 2023.
- Carol Seiler, to serve a two-year term, effective April 13, 2021 and expiring on January 31, 2023.

The membership roster showing the composition of the above commission following these appointments is attached.

Respectfully submitted,

Brad Wiersum
Mayor



City of Minnetonka, MN
Senior Advisory Board

Board Roster



Setara Barukzoy

1st Term **Apr 13, 2021 - Jan 31, 2022**



Lisa R Lee

1st Term **Apr 13, 2021 - Jan 31, 2022**



Heidi L Weinberg

1st Term **Apr 13, 2021 - Jan 31, 2022**



Jim C Tift

1st Term **Apr 13, 2021 - Jan 31, 2023**



Carol J Seiler

1st Term **Apr 13, 2021 - Jan 31, 2023**



Richard King

4th Term **Apr 13, 2021 - Jan 31, 2023**

Appointing Authority Council



Thomas Scott

4th Term **Apr 13, 2021 - Jan 31, 2023**

Appointing Authority Council



Nancy Sullivan

2nd Term **Feb 11, 2020 - Jan 31, 2022**

Appointing Authority Council

Position Secretary



Frances Kokesh

1st Term Feb 11, 2020 - Jan 31, 2022

Appointing Authority Council



Judith Hansen

3rd Term Feb 11, 2020 - Jan 31, 2022

Appointing Authority Council

Position President



Bob Gilbertson

2nd Term Feb 11, 2020 - Jan 31, 2022

Appointing Authority Council



Patricia Baker

2nd Term Feb 11, 2020 - Jan 31, 2022

Appointing Authority Council

Position Vice President



Sandra Blackman

2nd Term Feb 11, 2020 - Jan 31, 2022

Appointing Authority Council

