



**Agenda
Minnetonka City Council
Regular Meeting
Monday, October 18, 2021
6:30 p.m.
Council Chambers**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Coakley-Kirk-Schack-Carter- Calvert- Schaeppi- Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. October 4, 2021 regular meeting
6. Special Matters:
 - A. Recognize Corrine Heine as recipient of the Brown, Mulligan, Rocha Distinguished Public Service award from the International Municipal Lawyers Association (IMLA)
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 Opus Lift Station Secondary Forcemain Project

Recommendation:
 1. Award the contract for the Opus Lift Station Secondary Forcemain Project, Project No.21911, to Ellingson Drainage in the amount of \$139,763.00 (4 votes)
 2. Authorize the Utility Operations 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 \$350,000. (4 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
 - A. Resolution concerning a No Parking zone on Dynasty Drive

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Recommendation: Adopt the resolution designating a No Parking zone on the west and north sides of Dynasty Drive. (4 votes)

- B. Resolution providing for the redemption and prepayment of the city's G.O. State-Aid Street Bonds, Series 2008A

Recommendation: Adopt the resolution providing for the redemption and prepayment of the city's General Obligation State-Aid Street Bonds, Series 2008A. (4 votes)

- C. Resolution adopting the 2022 meeting schedule for the Minnetonka City Council

Recommendation: Resolution adopting the 2022 Minnetonka City Council meeting schedule (4 votes)

11. Consent Agenda - Items Requiring Five Votes:

- A. Resolution approving TONKAWOOD FARMS THIRD ADDITION at 15014 Highwood Drive

Recommendation: Adopt the resolution approving final plats for TONKAWOOD FARMS THRID ADDITION (5 votes)

12. Introduction of Ordinances:

- A. Items relating to Dick's Sporting Goods at 12437 Wayzata Blvd

Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)

13. Public Hearings: none

14. Other Business:

- A. Resolution providing for the issuance and sale of GO Utility Revenue Bonds, Series 2021A in the proposed aggregate principal amount of \$10,000,000

Recommendation: Adopt the resolution authorizing the sale of General Obligation Utility Revenue Bonds, Series 2021A, in the maximum aggregate principal amount of \$10,000,000; fixing their form and specifications; directing their execution and delivery; providing for their payment; and establishing a pricing committee (4 votes)

- B. Ordinances pertaining to definitions and lot shape

Recommendation: Adopt the ordinances (4 votes)

- C. Ordinance regarding tree protection

Recommendation: Adopt the ordinance (4 votes)

15. Appointments and Reappointments: None

16. Adjournment

**Minutes
Minnetonka City Council
Monday, October 4, 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 Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Schack, Susan Carter, Deb Calvert and Brad Wiersum were present.

4. Approval of Agenda

Schack moved, Calvert seconded a motion to accept the agenda with addenda to Item 10.D. All voted "yes." Motion carried.

5. Approval of Minutes:

A. September 13, 2021 regular meeting

Calvert explained she discussed a minor change to the minutes with staff regarding the landscaping at the Godard School.

Calvert moved, Carter seconded a motion to approve the minutes, as amended. Calvert, Carter, Kirk, Schack, Schaeppi, and Wiersum voted "yes." Coakley "abstained". Motion carried.

6. Special Matters:

A. National Disability Employment Awareness Month Proclamation

Wiersum read a proclamation in full for the record declaring October to be National Disability Employment Awareness Month in the City of Minnetonka.

7. Reports from City Manager & Council Members

Acting City Manager Julie Wischnack reported on upcoming city events and council meetings.

Police Chief Scott Boerboom provided the Council with an update on burglary and theft statistics in the city and discussed a recent event that occurred within a city park.

Carter discussed the high speed chase that occurred on Hopkins Crossroad where a woman lost her life a year ago. She indicated this was a devastating event. She thanked the police chief for his thorough report and for bringing to light the struggles the community had with increased crime at this time. She explained she supported the council discussing the purchase of cameras in 2021 or 2022 versus waiting until 2024.

Coakley thanked the police chief for his update and noted there has been an uptick in crime throughout the metro area. She discussed the crime that occurred at Lone Lake Park and Purgatory Park and recommended this information be made more available to the public. She questioned what the crime data was for apartment complexes. Police Chief Boerboom explained the majority of thefts from autos occur at multi-family buildings.

Schaeppi thanked Police Chief Boerboom and all of the officers for the great work they are doing in the community. He explained he could support the council discussing further deterrent measures and an amendment to the 2022 budget at a future meeting.

Kirk discussed the patterns that allow criminals to conduct crimes of opportunity, such as unlocked vehicles, purses on seats, garage doors left in vehicles, and valuables left in vehicles.

Kirk requested the council receive quarterly updates for the next year to allow the council to view how crime was trending given the fact the department was down eight officers.

Calvert explained she would ask the League of Minnesota Cities to address the issue of increased crime as well, because this was something the entire state was grappling with.

Wiersum encouraged residents that see something to say something. He encouraged residents to be diligent, to lock their vehicles and to remove valuables if vehicles are left outdoors. He thanked Police Chief Boerboom for his report.

Kirk discussed a tour he completed at the Collin Nature Preserve with the Friends of Minnetonka Parks. He explained the group he toured with dated oak trees and some trees were 200+ years old.

Schaeppi discussed an email that was sent by a Ward 3 resident thanking the public works staff, specifically Mitch and Phil, for their service to the community.

Schaeppi commented on a discussion he had with Bob Resner, a local buckthorn volunteer.

Coakley asked if the noise ordinance would be able to address gas lawn mowers and leaf blowers. Wischnack stated this topic would be addressed by the council at a future council meeting.

Wiersum reported the fire department open house would occur on Tuesday, October 5 from 5:00 p.m. to 8:00 p.m. and would showcase the new fire department. He reported the fireworks that were rained out this summer would be shot off tomorrow night.

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

Bernard Bartfeld, 15520 Oric Avenue, encouraged the city to consider collecting buckthorn throughout the community once it has been removed from public and private property.

9. Bids and Purchases: None.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution in support of Noise Walls along TH-169 and TH-7

Calvert moved, Schack seconded a motion to adopt Resolution 2021-104. All voted “yes.” Motion carried.

B. Resolution concerning no parking in the Opus Area

Calvert moved, Schack seconded a motion to adopt Resolution 2021-105. All voted “yes.” Motion carried.

C. Agreement for Hennepin County Healthy Tree Canopy Grant

Calvert moved, Schack seconded a motion to authorize the approval. All voted “yes.” Motion carried.

D. Resolution opening a portion of Oric Avenue

Calvert moved, Schack seconded a motion to adopt Resolution 2021-106. All voted “yes.” Motion carried.

E. Resolution declaring the official intent to reimburse certain expenditures from the proceeds of bonds to be issued

Calvert moved, Schack seconded a motion to adopt Resolution 2021-107. All voted “yes.” Motion carried.

F. Resolution approving election judges and absentee ballot board for the November 2 General Municipal Election

Calvert moved, Schack seconded a motion to adopt Resolution 2021-108. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Gas franchise ordinance with CenterPoint Energy Resources Corp.

City Attorney Corrine Heine gave the staff report.

Wiersum opened the public hearing.

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

Kirk moved, Carter seconded a motion to adopt Ordinance 2021-19. All voted “yes.” Motion carried.

B. On-sale intoxicating, Sunday on-sale intoxicating, and off-sale intoxicating liquor licenses to Yayin Gadol, LLC d/b/a Top Ten Liquors at 1641 Plymouth Road

Acting City Manager Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

John Halper, representative for Top Ten Liquors, introduced himself and thanked the council for considering his request.

Kirk moved, Calvert seconded a motion to open the public hearing and continue to November 8, 2021. All voted “yes.” Motion carried.

14. Other Business:

A. Ordinance regarding accessory dwelling units in residential zoning districts

City Planner Loren Gordon gave the staff report.

Schack asked if a corner lot could have another curb cut to access an Accessory Dwelling Unit (ADU). Gordon reported if a lot has 220 feet of frontage the lot could have a second curb cut.

Schack questioned parking would be addressed for ADUs. Gordon noted the parking would be reviewed through the Conditional Use Permit (CUP) process. He explained the city would not encourage more hardcover than was necessary, but parking would have to be considered.

Carter explained the ADU had to be behind the house. She reported this meant the ADU had to be behind the front façade of the original structure. Gordon reported this was the case.

Carter inquired if there were any setbacks in place for how close ADUs could be in backyards. Gordon reported the city was only able to put setbacks that apply to a single property and is not able to stipulate separation from a building on an adjacent property. He commented ADUs would be 25 feet from another structure.

Kirk asked if the Floor Area Ratio (FAR) calculation was considered for a property when an ADU is requested. He indicated he was concerned with overbuilding a site and greenspace. Gordon explained the FAR would be reviewed by staff prior to considering an ADU.

Schaeppi questioned how the city would resolve rental concerns within ADUs. Gordon discussed the homestead living requirements. Acting City Manager Julie Wischnack reported if the city were to find out a property was no longer homesteaded, the CUP allowance could be removed.

Wiersum commented there were plenty of opportunities for residents to break the rules. He questioned how the city would police the matter of whether or not an ADU was being used as a rental. Gordon discussed the process that was followed for attached ADUs and noted the city does not annually review if these properties are homesteaded. He explained the city would have to be alerted of a concern regarding the ownership status for detached ADUs. City Attorney Heine reported the ordinance does not require the property to be homesteaded, but rather requires the owner of the property to reside in one of the two units.

Wiersum indicated detached ADUs would be approved through the CUP process. He asked if variances could be requested. Gordon explained the variance process would be available to this type of zoning use.

Wiersum explained CUPs are attached to properties and not the property owner. He stated this meant any new property owner would have the right to the ADU regardless of their family condition. Gordon indicated an ADU approval would allow for a structure. He did not anticipate the city would have a problem with the real estate aspect of ADUs.

Schack commended the public for participating in this process. She believed the benefits for ADUs would far outweigh and concerns that may arise. She anticipated ADUs would provide new alternatives for families, especially given the price of housing in Minnetonka. She thanked staff for all of their work on this subject and noted she would be supporting the proposed ordinance.

Kirk commented on how the massing of ADUs would impact neighborhoods. He believed the city was heading down the right path and explained he would be supporting this ordinance.

Calvert stated she supported this ordinance moving forward and she was encouraged by the fact the city was reimagining housing in Minnetonka.

Schaeppi explained he enthusiastically supported this ordinance. He thanked staff for all of their efforts on the ordinance language. It was his hope that this ordinance would succeed.

Wiersum discussed how housing inflation has exceeded real wage growth by a dramatic level over the past 10 to 15 years. He explained the proposed ADUs would provide families with new housing options. He believed the ordinance was logical and he appreciated the controls that were in place.

Schack moved, Kirk seconded a motion to adopt Ordinance 2021-20. All voted "yes." Motion carried.

B. Ordinances regarding licensed residential care facilities

City Planner Loren Gordon gave the staff report.

Kirk commented he was quick to support a moratorium on this issue a year ago. He discussed the three most recently approved residential care facilities and questioned if they were measured against the CUP if the outcomes would have changed. Gordon reported the Baker Road property was very large and would have met the size standard, noting there may have been a concern with the rear setback. He explained the Shady Oak Road property would have been similar,

noting the setbacks and numbers were fine. He indicated the Lake Street property would have had concerns with the front yard setbacks.

Carter questioned which strategy was more equitable for applicants or has more clarity for applicants. Gordon stated the CUP uses a lens that is more equitable, than the IUP. He indicated the IUP has review criteria for a license holder. City Attorney Heine commented that IUPs were classically used for properties that were in transition.

Coakley stated she recalled the majority of the concerns raised about residential care facilities had to do with parking and trash. She questioned how the city council could get to the point of moving the number of residents from 12 residents to seven to ten residents. Gordon stated there are facilities in the city that were operating with 12 residents and could continue to operate this way. He indicated the way the city came into this discussion was to address the concerns with operating at this high capacity, which led staff to recommend the number be reduced. Wischnack explained the council could make a recommendation as to the number of residents within a care facility. She indicated staff took cues from the council based on the discussion that was held in March to develop the ordinance that was before the council.

Calvert clarified the whole idea behind the statute for these care facilities was to provide a home for individuals that was not an institutional setting. She commented as the number of people was pushed to the maximum the facility then loses the homelike feel.

Schaeppi questioned when an IUP would be helpful. Acting City Manager Julie Wischnack explained with an IUP there would be a check in point more regularly. She stated with a CUP and there were major changes to the original intent of the care facility, the CUP would have to be reconsidered and approved.

Wiersum explained he would like to move this matter along. He questioned if the council preferred a CUP or IUP. The consensus of the council was to move forward with a CUP process for residential care facilities.

Wiersum questioned if the number of residents within a care facility should remain at 12, be limited to six, or be allowed to range from seven to ten.

Kirk explained staff has put a lot of language in place that would address overcrowding within a residential care facility.

Schack stated it was important to reiterate that the council has no authority or discretion over care facilities with six or fewer residents. She indicated it was important for the city to have diversity in housing and to provide diverse

opportunities for residents. She thanked staff for the enhanced language and noted she supported dropping the number to seven to ten.

Calvert concurred with Councilmember Schack.

Coakley supported leaving the number at 12. She did not believe this would make the care facility feel more institutional, but rather would provide more housing options for those in need.

Carter commented she supported the seven to ten range.

Schaepfi indicated this was a difficult issue for him. He stated despite staff's best efforts there was very little public feedback on this matter. He discussed the neighborhood concerns that were raised previously noting he believed many were legitimate. He explained he wanted to make an informed decision and at this time he was leaning towards keeping the number as is or moving to seven to ten.

Kirk stated some of the comments that have been fielded over the years from residents have to do with the way the homes are remodeled, and how it turns these homes into commercial properties that will not return to residential homes. He indicated there was also concerns with the upkeep of these properties, the number of emergency vehicles that visit these care facilities and the number of smokers onsite. He explained after discussing this for years he would like to see the number of residents range from seven to ten.

Wiersum commented this has been an issue for him for some time. He thanked staff for all of their efforts to clarify issues for him. He explained he believed in group homes and he supported them. He indicated he liked state statute for a number of reasons. He reported he used to favor six because this more closely replicates a typical family. He stated if the city goes along with state law more trust can be built when it comes to residential care facilities. He indicated he was originally thinking he could support more residents in group homes that were located in commercial or higher density residential areas, but in single family neighborhoods they should be limited to six. However, after hearing from staff and his fellow councilmembers he explained he could support seven to ten residents within a care facility in Minnetonka. He reported he has twin daughters that were disabled and required a high level of care. He commented on the number of his visits his daughters received on a daily basis.

Kirk questioned if group homes should be clustered. He discussed how neighborhoods may be impacted if a larger group home (seven to ten) were approved and then several other group homes with six or fewer moved into the same area. He explained if this ordinance were to move forward, he would like to address the parking language and suggested item 2(d) be amended to read:

Exterior parking must be located on a paved area. If designed as a parking lot, the lot must be located behind the rear building line of the facility and must be set back a minimum of 20 feet from all property lines. The city council may waive these locational requirements for areas designed as parking lots based on a unique or important characteristics of the property or surrounding area.

Kirk moved, Schack seconded a motion to adopt Ordinance 2021-21 as discussed with the following language amendment to 2(d): Exterior parking must be located on a paved area. If designed as a parking lot, the lot must be located behind the rear building line of the facility and must be set back a minimum of 20 feet from all property lines. The city council may waive these locational requirements for areas designed as parking lots based on a unique or important characteristics of the property or surrounding area. Calvert, Carter, Kirk, Schack, Schaeppi, and Wiersum voted "yes." Coakley voted "no". Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:15 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk



**City Council Agenda Item 6A
Meeting of October 18, 2021**

Title: Recognize Corrine Heine as recipient of the Brown, Mulligan, Rocha Distinguished Public Service Award from the International Municipal Lawyers Association (IMLA)

Report From: Mike Funk, Acting City Manager

Submitted through: Moranda Dammann, Acting Assistant City Manager

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

Summary Statement

Recognize Corrine Heine as recipient of the Brown, Mulligan, Rocha Distinguished Public Service Award from the International Municipal Lawyers Association (IMLA).

Recommended Action

No action required. Informational only.

Strategic Profile Relatability

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

Statement:

Financial Consideration

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

Statement:

Background

The International Municipal Lawyers Association (IMLA) is a non-profit, professional organization that has been an advocate and resource for local government attorneys since 1935. IMLA serves as an international clearinghouse of legal information and

cooperation on municipal legal matters. IMLA collects from and disseminates information to its membership across the United States and Canada and helps governmental officials prepare for litigation and develop new local laws.

The Brown, Mulligan, Rocha Distinguished Public Service Award is established to honor a local government attorney for significant and surpassing achievements in the field of local government law occurring or culminating in the previous year.

The criteria for making the award include: significant and surpassing achievements in the field of local government law that have occurred or culminated during the previous year; achievements that have enhanced the image of the local government attorney both locally and nationally; personal characteristics of integrity, honesty, leadership, selflessness, dedication, tact, diplomacy, political acuity, and astuteness in dealing with the news media and the public; and the presentation of papers or through participation on panels at programs sponsored by local, state and/or national professional associations.

IMLA made the award based on a nomination made by Pat Beety, general counsel to the League of Minnesota Cities and supporting letters from the city attorneys for Alexandria, Bloomington and Richfield, Minnesota. The nominations cited:

- Corrine's many years of service as a city attorney and mentorship of other municipal attorneys;
- er contributions to fellow municipal attorneys through the city attorney listserv;
- Her frequent presentations at educational seminars and the Minnesota Municipal Clerks Institute on the topics of the Open Meeting Law and data practices;
- Her assistance in founding the Thomas L. Grundhoefer Local Government Externship program at Mitchell Hamline School of Law;
- Her long service as Minnesota state chair for IMLA;
- Her assistance to the League's governmental relations staff regarding legislative issues; and
- Her reputation of honesty, professionalism and common sense.

In addition, the nominators noted that, within the last year, Corrine: assisted in the Just Deeds project, which helps property owners remove discriminatory covenants from their property titles; performed research and assisted the Minnetonka charter commission and council in studying and presenting ranked choice voting to the voters; and assisted other city attorneys in responding to legal issues related to the COVID-19 pandemic. The nominations also noted that in March 2021, another city attorney had recommended Corrine for inclusion in IMLA's recognition of "Phenomenal Women."



**City Council Agenda Item 9A
Meeting of October 18, 2021**

Title: Bids for the Opus Lift Station Secondary Forcemain Project

Report From: Mike Kuno, P.E., Utility Operations Engineer

Submitted through: Mike Funk, Acting City Manager
Will Manchester, P.E., Public Works Director
Darin Nelson, Finance Director

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

Summary Statement

The Opus Lift Station Secondary Forcemain Project proposes to construct a redundant forcemain at the lift station.

Recommended Action

1. Award the contract for the Opus Lift Station Secondary Forcemain Project, Project No. 21911, to Ellingson Drainage in the amount of \$139,763.00.
2. Authorize the Utility Operations 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 \$350,000.

Strategic Profile Relatability

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

Statement: The Opus Lift Station Secondary Forcemain Project supports the sustainable maintenance and replacement of assets.

Financial Consideration

Is there a financial consideration? No Yes \$350,000
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Statement: The Opus Lift Station Secondary Forcemain Project is budgeted for \$500,000 in 2021 of the 2021-2025 Capital Improvements Program.

Background

The Opus Lift Station and primary forcemain were constructed in 1971 and require rehabilitation, which is currently scheduled for 2022. The lift station is located along Green Circle Drive and pumps sewer through approximately 700 feet of forcemain across a wetland.

The rehabilitation of the existing forcemain requires installing a bypass pipe to maintain continuous operations of the lift station. This can be accomplished by installing a temporary bypass pipe in conjunction with the pipe rehab project or by installing a permanent secondary forcemain pipe ahead of the pipe rehab project. Evaluating these options includes identifying operational benefits, environmental benefits and the associated costs for both options. Based on the design analysis, staff determined that the construction of a secondary forcemain, by trenchless installation methods, offers a number of benefits, including providing permanent redundancy in the system, improving the system's operational efficiency and reducing the potential risk of wetland impacts; therefore, staff is recommending installation of the permanent pipe construction.

Proposed Improvements

A new 10-inch diameter fusible PVC sanitary sewer forcemain is proposed to be constructed from the Opus Lift Station to an existing gravity sanitary manhole located adjacent to the southwest light rail train alignment, south of Smetana Road. The pipe will be directionally drilled to minimize the construction impacts within the wetland area and will follow all regulatory agency requirements and install wetland protection measures prior to any construction taking place.

Bid Opening

Bids were opened electronically for the project on Oct. 7, 2021. Six bids were received in response to the call for bids, and the results are as follows:

Contractor	Total Bid
Ellingson Drainage	\$139,763.00
Minger Construction	\$141,921.75
Pember Companies, Inc.	\$154,705.00
Meyer Contracting, Inc.	\$187,795.14
G.F. Jedlicki, Inc.	\$218,523.25
Engineer's Estimate	\$291,835.00
G.M. Contracting, Inc.	\$331,605.00

The low bidder, Ellingson Construction has satisfactorily completed similar projects in Minnetonka.

Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration and contingency, is \$350,000. The budgeted amount for the project is shown below and is included in the 2021 –

Subject: Bids for the Opus Lift Station Secondary Forcemain Project

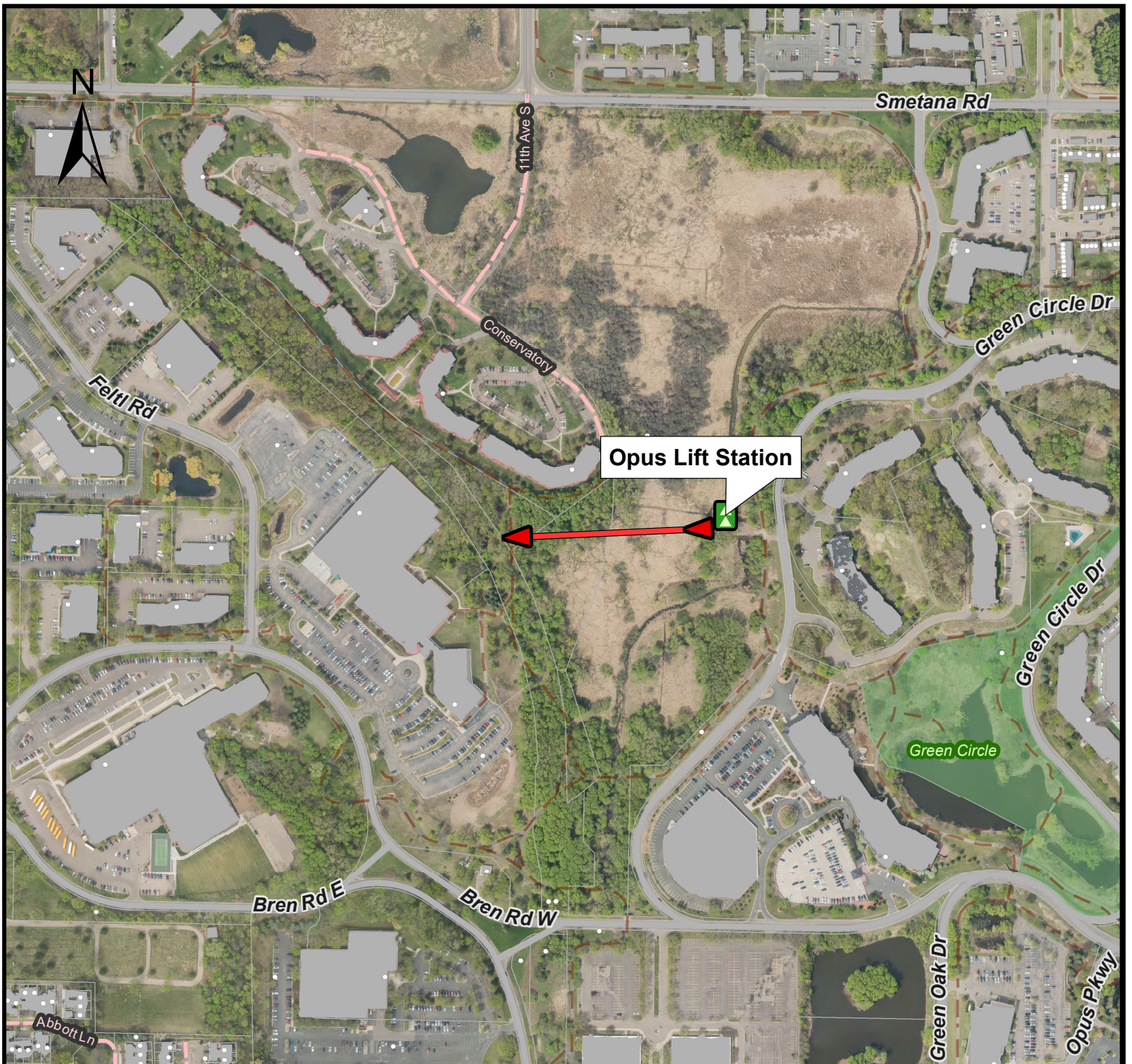
2025 Capital Improvements Program (CIP). Fund balances currently can support the estimated project costs.

	Budget Amount	Proposed Funding	Expense
Construction Costs			\$140,000
Contingencies			\$50,000
Engineering, Administration, and Indirect Costs			\$160,000
Utility Fund	\$500,000	\$350,000	
Total Budget	\$500,000	\$350,000	\$350,000



The budgeted project funds in excess of the expense will remain in the utility fund balance and be reallocated to future projects.

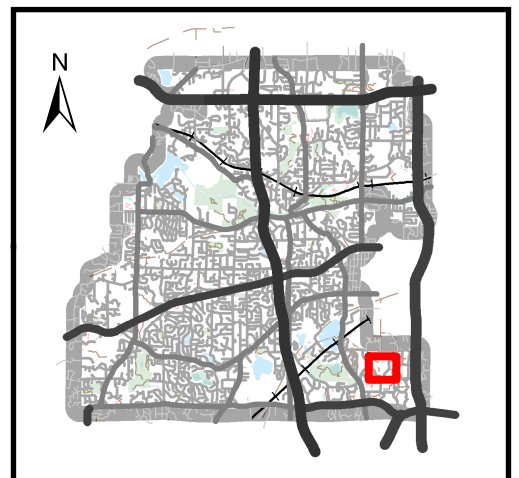
Schedule

If council supports the recommended actions, construction is expected to begin in the fall of 2021, weather dependent, and be completed in the spring of 2022.



Opus Lift Station Secondary Forcemain Project

-  Lift Station
-  Proposed Forcemain



This map is for illustrative purposes only.



**City Council Agenda Item 10A
Meeting of October 18, 2021**

Title: Resolution concerning a No Parking zone on Dynasty Drive

Report From: Phil Olson, P.E., City Engineer

Submitted through: Mike Funk, Acting City Manager
Scott Boerboom, Chief of Police
Will Manchester, P.E., Public Works Director

Action Requested: Motion Informational Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Other N/A

Votes needed: 4 votes 5 votes N/A Other

Summary Statement

Restricting parking on the west and north sides of Dynasty Drive is necessary to maintain traffic flow and safety on this roadway.

Recommended Action

Adopt the resolution designating a No Parking zone on the west and north sides of Dynasty Drive.

Strategic Profile Relatability

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

Statement: The designation of a No Parking zone on Dynasty Drive will provide and preserve a quality, local street system for users.

Financial Consideration

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

Background

Property owners along Dynasty Drive have approached staff with concerns of traffic congestion and limited access to their properties caused by parked cars. A petition was received requesting

Subject: Resolution concerning a No Parking zone on Dynasty Drive

a No Parking zone be created on the west and north sides of Dynasty Drive from Monday through Friday between 3:00 pm and 5:00 pm.

The source of the parking concerns is traffic generated by activities at Minnetonka Middle School East, located at 17000 Lake Street Extension. The primary concern is that Dynasty Drive is being used as a waiting area prior to picking up students after school. During this time, cars are blocking traffic as they park or are turning around when trying to park and access on the roadway is limited.

In 2015, a permanent No Parking zone was added on the east side of Dynasty Drive to help address this same issue. This No Parking zone did help; however, student pickup in this area has continued to be an ongoing issue.

Minnetonka Middle School East supports the proposal to limit parking on the west side of Dynasty Drive.

Resolution No. 2021-

**Resolution authorizing a No Parking zone and the installation of “No Parking” signs on
Dynasty Drive**

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 requested from Monday through Friday from 3:00 p.m. to 5:00 p.m. at the following location:

- a. The west and north side of Dynasty Drive from Lake Street Extension to the cul-de-sac on Dynasty Drive.

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. The west and north side of Dynasty Drive from Lake Street Extension to the cul-de-sac on Dynasty Drive.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 2021.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

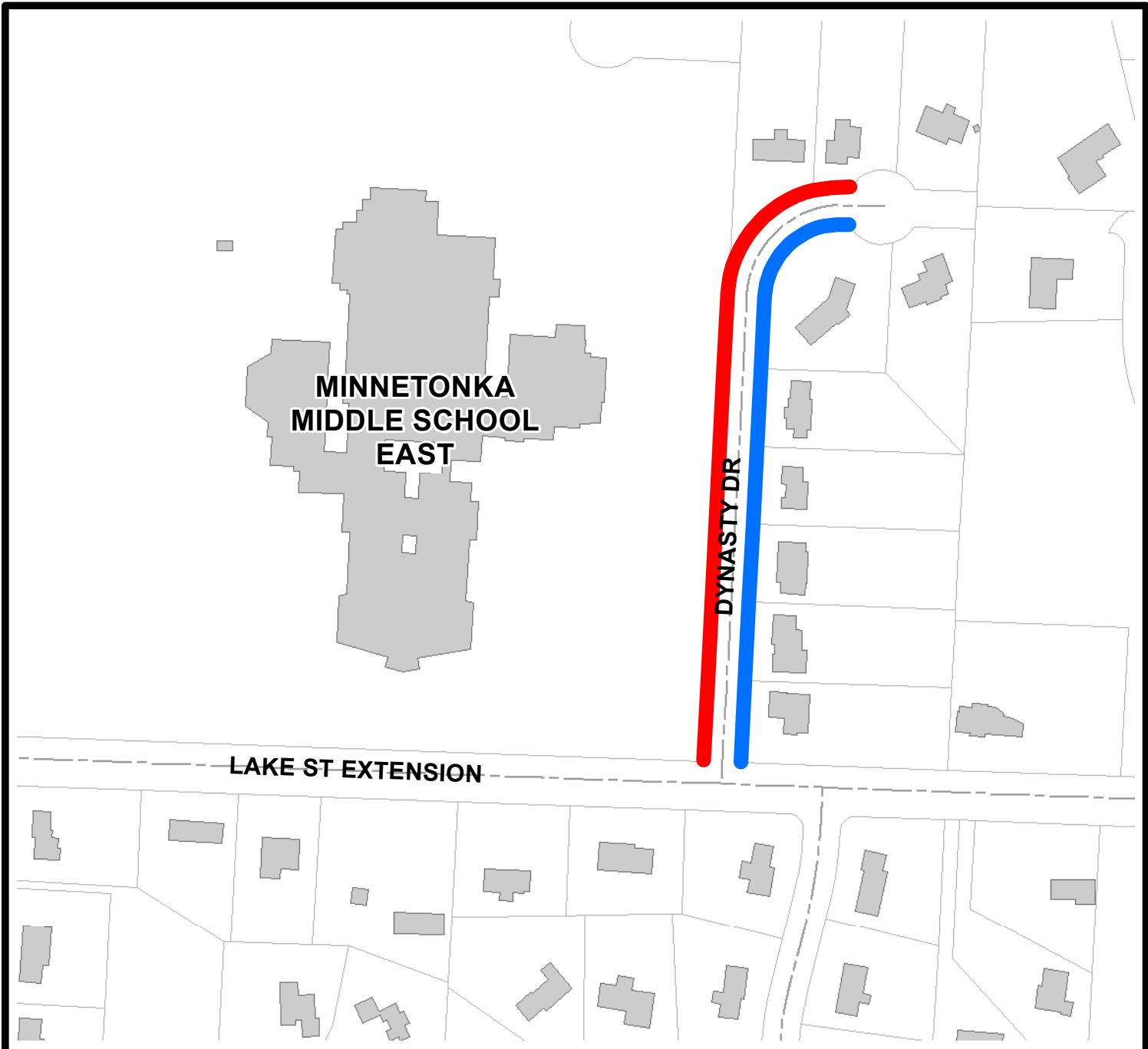
Voted against:

Abstained:

Absent:

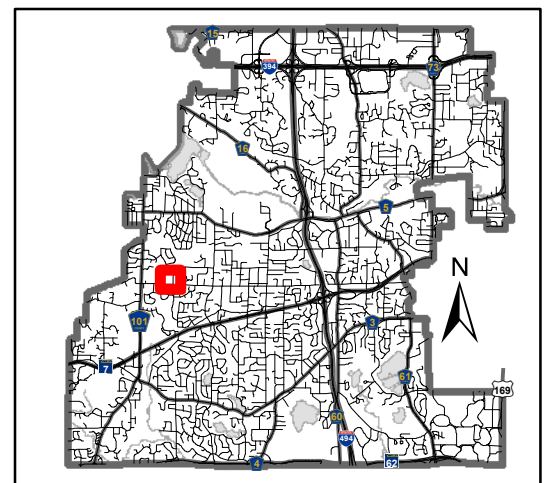
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 18, 2021.

Becky Koosman, City Clerk



Dynasty Dr.

- █ Existing No Parking
- █ No Parking 3:00pm-5:00pm, M-F



This map is for illustrative purposes only.

September 21, 2021

The following residents of Dynasty Drive, Minnetonka, Mn. 55345 hereby request that street signs be installed on the street to read as follows:

NO PARKING, MONDAY-FRIDAY BETWEEN HOURS OF 3-5.

Traffic on the street has increased substantially and the safety not only of the students and residents is a major concern.

4100 May Dresler William J. Dresler

4101

4120 Brian Wilbur Thad Wilbur

4121 Margaret Hancock

4130 Mary Wosman Julia A. Carter

4131 Kent Johnson

4141 Kathy Slawka

4151 Julie Klapmeier

4161 Paul Mahler Marilee Mahler

4171 Jonson Brown



**City Council Agenda Item 10B
Meeting of October 18, 2021**

Title: Resolution providing for the redemption and prepayment of the city's G.O. State-Aid Street Bonds, Series 2008A

Report From: Darin Nelson, Finance Director

Submitted through: Mike Funk, Acting City Manager

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

Summary Statement

The city has the opportunity to redeem its 2008A G.O. State-Aid Street Bonds and save over \$26,000 in interest expense that will be reallocated to future street maintenance projects.

Recommended Action

Adopt the resolution providing for the redemption and prepayment of the city's General Obligation State-Aid Street Bonds, Series 2008A.

Strategic Profile Relatability

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

Statement: The city has accumulated municipal state-aid dollars that can be used to redeem the outstanding principal and save over \$26,000 in interest expenditures over the next two years.

Financial Consideration

- Is there a financial consideration? No Yes – Approx. \$26,000 in interest savings
- Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other – Municipal State-Aid

Statement: Available Municipal State-Aid funding will be used to prepay the outstanding principal balance and accrued interest.

Background

On July 17, 2008, the city issued its General Obligation (G.O.) State-Aid Street Bonds, Series 2008A in the original aggregate principal amount of \$2,215,000. These bonds were used to finance a portion of the costs for the Shady Oak Road (Bren Road to Excelsior Boulevard) project. The Bonds are currently outstanding in the principal amount of \$500,000 and are subject to call for prior redemption on or after April 1, 2018 at a price of par plus accrued interest.

The principal and interest payments on these bonds is paid out of the city's annual allotment of municipal state-aid (MSA). Over the last few years, several large state-aid eligible street projects have depleted the city's annual MSA allotment. Those projects include improvements at Ridgedale Drive, Ridgehaven Lane, the I-394 ramp and the Southwest Light Rail project. Now that those projects are complete, the city's MSA allotment balance is on the rebound and has a sufficient allotment available to redeem this 2008 State-Aid Street bond.

The original final maturity on this bond is April 1, 2024 with a current outstanding principal amount of \$500,000 as of Dec. 1, 2021. The coupon rate on this bond is 4 percent, which is substantially higher than current market rates. Refinancing the bond is not an option due to the costs associated with refinancing would minimize or likely eliminate any interest savings. Calling the bond early on Dec. 1, 2021 will net a savings of approximately \$26,000 for the city. These savings will remain in the city's MSA allotment account and be reallocated to future municipal street maintenance projects.

Resolution No. 2021-

**Resolution providing for the redemption and prepayment of the City of Minnetonka's
General Obligation State-Aid Street Bonds, Series 2008A**

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

1. On July 17, 2008, the City issued its General Obligation State-Aid Street Bonds, Series 2008A (the "Bonds"), dated as of July 1, 2008, in the original aggregate principal amount of \$2,215,000. The Bonds are currently outstanding in the principal amount of \$500,000 and are subject to call for prior redemption on or after April 1, 2018 at a price of par plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the City. Prepayments will be at a price of par plus accrued interest. Wells Fargo Bank, National Association, Minneapolis, Minnesota (the "Registrar") is the registrar and paying agent for the Bonds.
2. It is determined that it is in the best interests of the sound financial management of the City that the Bonds maturing on and after April 1, 2022 be prepaid and redeemed on December 1, 2021, or the first date for which the Registrar can provide proper notice to the holders of the Bonds (the "Redemption Date"), and the Bonds are hereby called for redemption in the aggregate principal amount of \$500,000.
3. The Registrar is authorized and directed to mail notice of call for redemption of the Bonds in the form attached hereto as EXHIBIT A to the registered owners of the Bonds to be redeemed at the address shown on the registration books kept by the Registrar.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 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 Oct. 18, 2021.

Becky Koosman, City Clerk

EXHIBIT A**NOTICE OF CALL FOR REDEMPTION**

\$2,215,000
 CITY OF MINNETONKA, MINNESOTA
 GENERAL OBLIGATION STATE-AID STREET BONDS
 SERIES 2008A

NOTICE IS HEREBY GIVEN that, by order of the City Council of the City of Minnetonka, Minnesota (the "City"), there have been called for redemption and prepayment on

December 1, 2021

all outstanding bonds (the "Bonds") of the City designated as the General Obligation State-Aid Street Bonds, Series 2008A, dated as of July 1, 2008, having a stated maturity date of April 1 in the years 2022 through 2024, both inclusive, totaling \$500,000 in principal amount, and with the following CUSIP numbers:

<u>Year of Maturity</u>	<u>Amount</u>	<u>CUSIP</u>
2022	\$145,000	604178 2W2
2024	355,000	604178 2Y8

The Bonds are being called at a price of par plus accrued interest to December 1, 2021, on which date all interest on said Bonds will cease to accrue. The holders of the Bonds hereby called for redemption are requested to present their Bonds for payment at the office of Wells Fargo Bank, National Association, as registrar and paying agent, in the City of Minneapolis, Minnesota, on or before December 1, 2021.

Registered/Certified Mail:

Wells Fargo Bank, N.A.
 Corporate Trust Operations
 P.O. Box 1517
 Minneapolis, MN 55480-1517

Air Courier:

Wells Fargo Bank, N.A.
 Corporate Trust Services
 7th Floor
 600 South Fourth Street
 MAC N9300-070
 Minneapolis, MN 55479

IMPORTANT INFORMATION REGARDING TAX CERTIFICATION AND POTENTIAL WITHHOLDING:

Pursuant to U.S. federal tax laws, you have a duty to provide the applicable type of tax certification form issued by the U.S. Internal Revenue Service ("IRS") to Wells Fargo Bank, N.A. Corporate Trust Services to ensure payments are reported accurately to you and to the IRS. In order to permit accurate withholding (or to prevent withholding), a complete and valid tax certification form must be received by Wells Fargo Bank, N.A. Corporate Trust Services before payment of the redemption proceeds is made to you. Failure to timely provide a valid tax

certification form as required will result in the maximum amount of U.S. withholding tax being deducted from any redemption payment that is made to you.

Dated: _____, 2021.

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

By /s/ Mike Funk
Acting City Manager
City of Minnetonka, Minnesota



**City Council Agenda Item 10C
Meeting of October 18, 2021**

Title: Resolution adopting the 2022 meeting schedule for the Minnetonka City Council

Report From: Becky Koosman, City Clerk

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

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

Summary Statement

Resolution adopting the 2022 Minnetonka City Council meeting schedule.

Recommended Action

Adopt the resolution establishing its 2022 meeting schedule.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Statement: N/A

Background

Section 3.01 of the Minnetonka City Charter provides that the city council will meet at the times established by ordinance or resolution. To comply with this requirement, the city council is being asked to adopt a resolution to establish its 2022 meeting schedule.

Staff proposes that the city council establish only its meeting dates by resolution. An overall city calendar is provided to show other significant dates and meetings of boards and commissions.

The calendar would not be adopted by the city council.

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

Resolution No. 2021-

Resolution adopting the 2022 Minnetonka city council meeting schedule

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

Section 1. Background.

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

Section 2. Council Action.

- 2.01. The Minnetonka City Council establishes a schedule of meetings for 2022 on the dates specified in the list attached to this resolution.
- 2.02. The time and location of meetings are as follows:
- a. Regular meetings will begin at 6:30 p.m. in the city council chambers at the city hall/community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota.
 - b. Study sessions are meetings at which no votes will be taken and will begin at 6:30 p.m. in the Minnehaha Room at the community center.
 - c. Meetings of the council sitting as the Local Board of Appeal and Equalization will begin at 6:00 p.m. in the city council chambers at the community center.
 - d. The joint meeting with the Park Board will commence at 5:30 p.m. in the dining room of the community center.
 - e. The labor negotiation session will commence in public at 5:45 p.m. in the city council chambers at the community center and will adjourn to closed session in the Gray's Bay room at the community center.
 - f. Meetings may be held by interactive television or by telephone or other electronic means, rather than in person, in accordance with state law.
- 2.03. If the city council is unable to meet on the dates indicated, or additional meetings are needed, notice will be given as required by law and the council's rules of procedure.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 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 Oct. 18, 2021.

Becky Koosman, City Clerk

SCHEDULE OF MEETINGS

2022 Regular Council Meetings

January 10
January 24
February 7
February 28
March 7
March 21
April 11
April 25
May 9
May 23
June 13
June 27
July 18
August 1
August 22
September 12
October 3
October 24
November 14
November 28
December 5
December 19

2022 Study Sessions

January 3
February 14
March 14
April 4
May 16
June 20
August 15
September 19
November 7
November 21
December 12

2022 Local Board of Appeal & Equalization

April 11
April 25

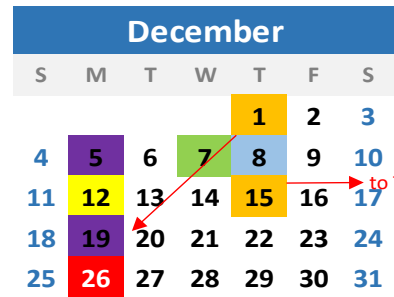
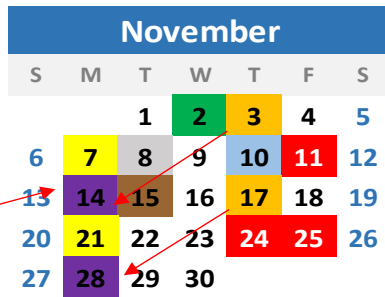
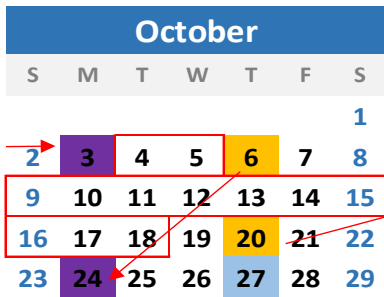
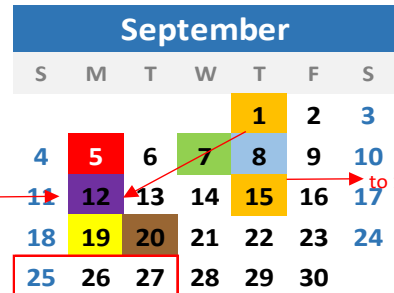
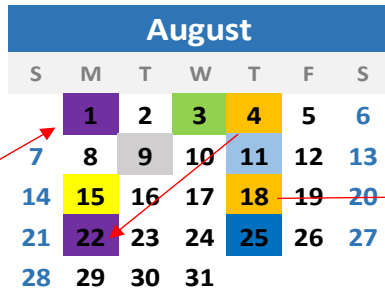
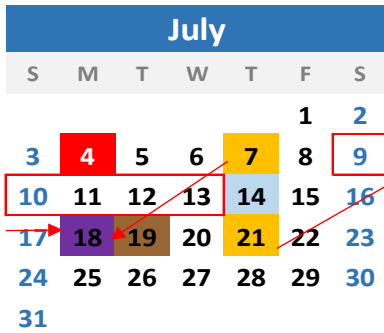
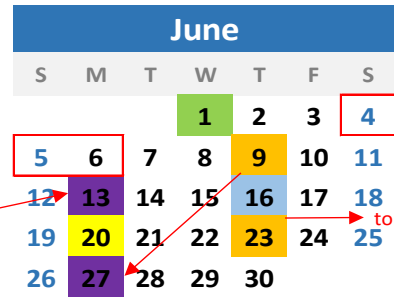
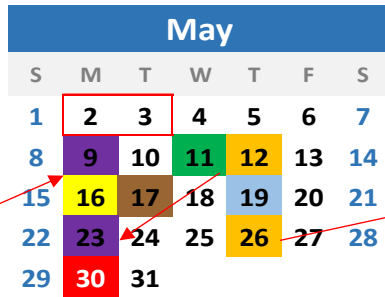
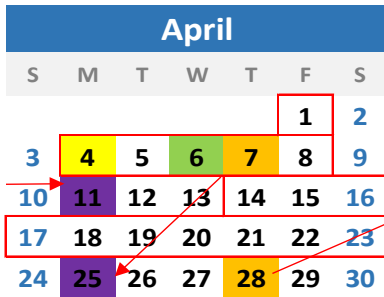
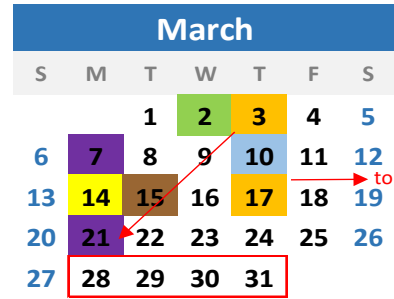
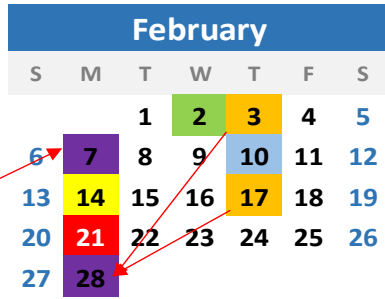
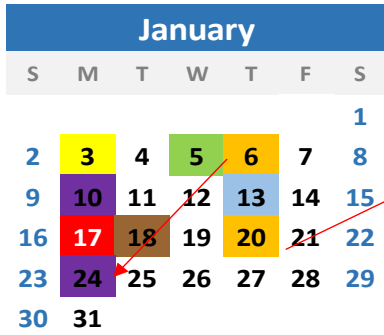
2022 Joint meeting with Park Board

May 11
November 2

2022 Closed session for labor negotiations

November 21

2022



Passover	04/15 - 04/23	Rosh Hashanah	09/25 - 09/27	Hopkins Spring Break	03/28 - 04/01
Holy Week	04/14 - 04/17	Yom Kippur	10/04 - 10/05	Minnetonka Spring Break	03/28 - 04/01
Easter	04/17 -	Sukkot	10/09 - 10/16	Wayzata Spring Break	04/01 - 04/08
Eid-al-Fitr	05/02 - 05/03	Shemini Atzeret	10/16 - 10/18		
Shavout	06/04 - 06/06	Simchat Torah			
Eid-al-Adha	07/09 - 07/13				

- CC Mtg
- CC Study Session
- PC Mtg
- EDAC Mtg
- Joint EDAC/PC Mtg
- PB Mtg
- Joint PB/CC Mtg
- SC Mtg
- City Hall Closed
- Election Day

JANUARY 2022

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

FEBRUARY 2022

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

MARCH 2022

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

APRIL 2022

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

MAY 2022

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

JUNE 2022

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

JULY 2022

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

AUGUST 2022

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

SEPTEMBER 2022

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

OCTOBER 2022

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

NOVEMBER 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2 Joint Park Board/ City Council Meeting 5:30 p.m.	3 Planning Commission Meeting 6:30 p.m.	4	5
6	7 City Council Study Session Meeting 6:30 p.m.	General Election Day	9	10 EDAC Meeting 6:00 p.m.	11 Veterans Day City Offices Closed	12
13	14 City Council Meeting 6:30 p.m.	15 Sustainability Commission Meeting 6:30 p.m.	16 NLC City Summit (Nov. 16-19)	17 Planning Commission Meeting 6:30 p.m.	18	19
20	21 City Council Study Session Meeting 6:30 p.m.	22	23	24 Thanksgiving Day City Offices Closed	25 City Offices Closed	26
27	28 City Council Meeting 6:30 p.m.	29	30	1	2	3

DECEMBER 2022

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



**City Council Agenda Item 11A
Meeting of October 18, 2021**

Title: Resolution approving TONKAWOOD FARMS THIRD ADDITION
at 15014 Highwood Drive

Report From: Ashley Cauley, Senior Planner

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

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

Summary Statement

On Nov. 9, 2020, the city council approved the preliminary plat, with lot width at setback variances, of the property at 15014 Highwood Drive. That plat divided the existing lot into three, single-family residential lots. R&R Construction of Minneapolis, Inc. has now requested approval of final plat.

Recommended Action

Adopt the resolution approving final plats for TONKAWOOD FARMS THRID ADDITION.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Statement: N/A

Background

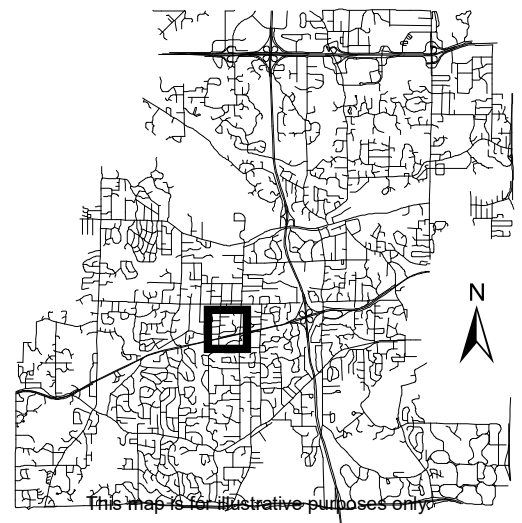
Approval of the final plat is reasonable as:

1. The submitted final plat is substantially consistent with the previously approved preliminary plat.
2. The applicant has submitted the required legal documents and stormwater facility information.



Location Map

Project: Tonkawood Farms 3rd Addn
Address: 15014 Highwood Dr



This map is for illustrative purposes only.

PRELIMINARY PLAT

~for~R&R CONSTRUCTION

VICINITY MAP

PART OF SEC. 21, TWP. 17, RNG. 22



HENNEPIN COUNTY, MINNESOTA
(NO SCALE)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 04/28/14.
- Bearings shown are on Hennepin County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Parcel ID Number: 21-117-22-43-0021
- Total boundary area: 75,722 square feet/1.74 acres

PROPOSED LOT STANDARDS / ZONING

Existing zoning: R-1

Minimum lot width = 110 feet wide at front setback
(Average proposed width: 104.2 feet.
Owner will apply for variance)

Minimum lot area = 22,000 square feet

Setbacks: Front = 35 feet
Rear = 40 feet or 20% of lot depth, whichever is less
Side = 2 sides must total 30 feet, 10 foot minimum
is allowed on one side.

PROPERTY DESCRIPTION

That Part of Lot 7, Block 1, TONKAWOOD FARMS lying east of the west 312.63 feet. Except Roads. Hennepin County, Minnesota.

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

PRELIMINARY

DANIEL W. OBERMILLER

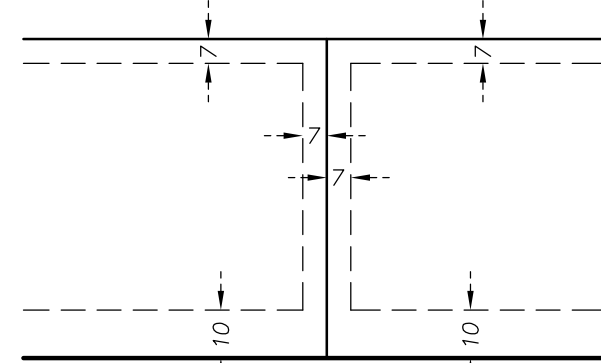
Date: 12/9/16 License No. 25341

BENCHMARK

BENCHMARK: GSID Station # 100837 MNDOT name WELSH
Elevation = 1002.875 (NAVD88)

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

TYPICAL EASEMENTS



BEING 10 FEET IN WIDTH ADJOINING RIGHT OF WAY LINES AND 7 FEET IN WIDTH ADJOINING LOT LINES UNLESS OTHERWISE SHOWN.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES MISCELLANEOUS MANHOLE
- ⊗ DENOTES GAS METER
- ⊖ DENOTES POWER POLE
- ⊙ DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES TELEPHONE PEDESTAL
- ⊙ DENOTES GUY WIRE
- ⊙ DENOTES SOIL BORING. (BY OTHERS)
- ⊙ DENOTES FENCE
- ⊙ DENOTES RETAINING WALL
- ⊙ DENOTES EXISTING CONTOURS
- ⊙ DENOTES PROPOSED CONTOURS
- ⊙ DENOTES TREE LINE
- ⊙ DENOTES OVERHEAD WIRE
- ⊙ DENOTES BUILDING SETBACK LINE
- ⊙ DENOTES CONCRETE SURFACE
- ⊙ DENOTES BITUMINOUS SURFACE
- ⊙ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER HENNEPIN COUNTY TAX INFORMATION)

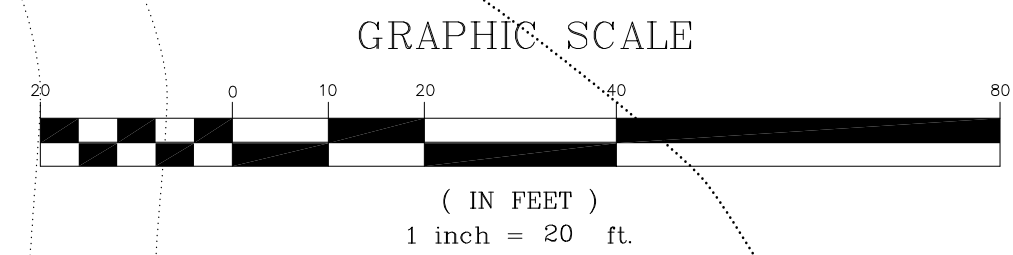
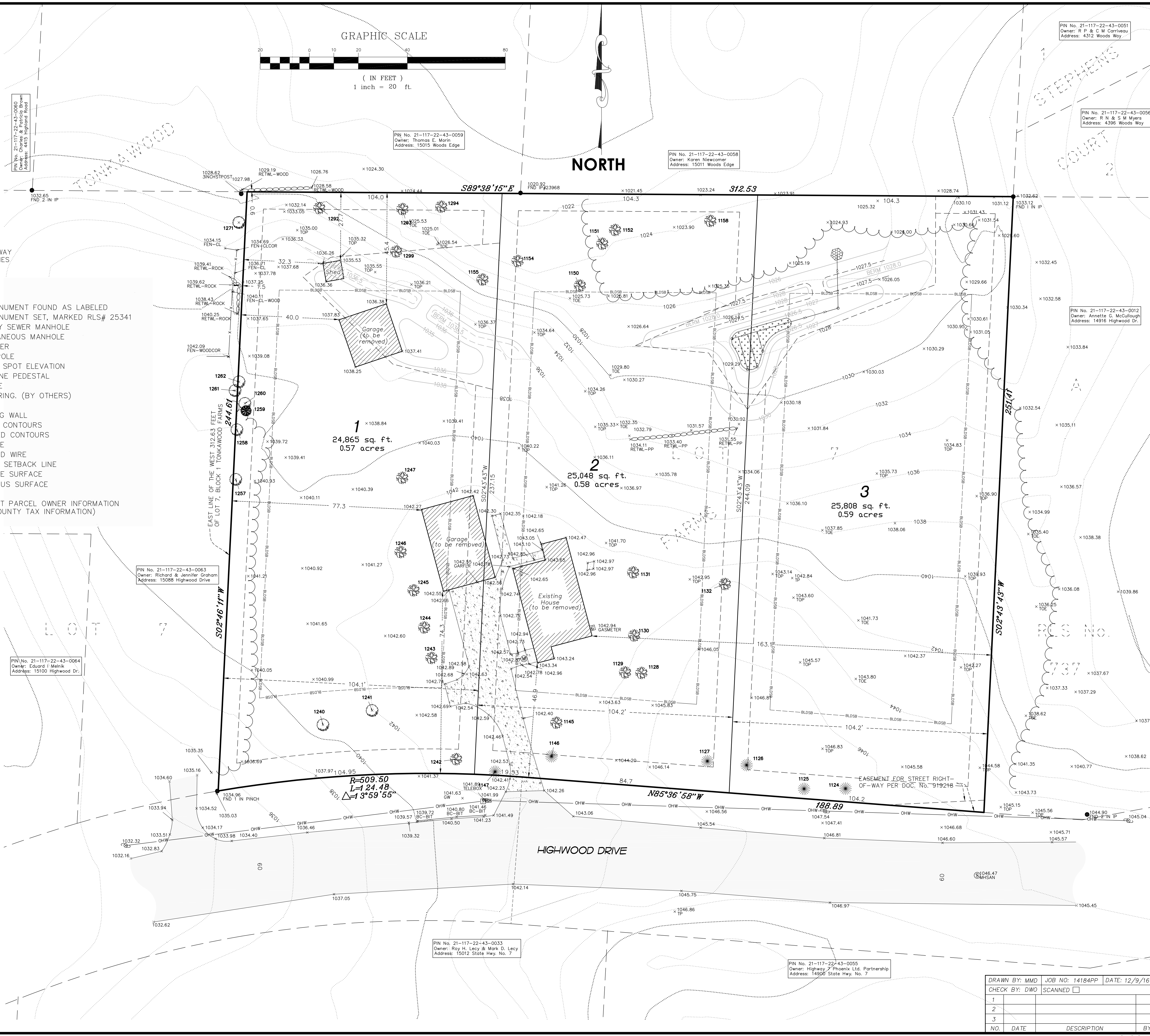
PIN No. 17-119-22-14-0008
Owner: City of X
Address: Unassigned

PIN No. 21-117-22-43-0064
Owner: Eduard F Melnik
Address: 15100 Highway Dr.

PIN No. 21-117-22-43-0063
Owner: Richard & Jennifer Graham
Address: 15088 Highway Drive

PIN No. 21-117-22-43-0033
Owner: Roy H. Lacy & Mark D. Lacy
Address: 15012 State Hwy. No. 7

PIN No. 21-117-22-43-0055
Owner: Highway 7 Phoenix Ltd. Partnership
Address: 14900 State Hwy. No. 7



NORTH

DRAWN BY: MMD	JOB NO: 14184PP	DATE: 12/9/16	
CHECK BY: DWO	SCANNED		
NO.	DATE	DESCRIPTION	BY
1			
2			
3			

Resolution No. 2020-094

Resolution approving the preliminary plat of TONKAWOOD FARMS THIRD ADDITION, with lot width at setback variances, at 15014 Highwood Drive

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

Section 1. Background.

- 1.01 The subject property is located at 15014 Highwood Dr. It is legally described as follows:
- That part of Lot 7, Block 1, TONKAWOOD FARMS lying east of the west 312.63 feet. Except roads. Hennepin County, Minnesota.
- 1.02 On Oct. 16, 2016, the city council approved the preliminary plat for TONKAWOOD FIRST ADDITION, a three-lot subdivision with lot width at setback variances.
- 1.03 As a condition of approval, the final plat was to be approved within one year unless the city granted a time extension. The city approved a one-year extension on Dec. 4, 2017.
- 1.04 Neither a final plat application nor a request for extension was received. The preliminary plat approval expired on Dec. 4, 2018.
- 1.05 R&R Construction of Mpls, Inc. is now requesting preliminary plat approval for TONKAWOOD FARMS THIRD ADDITION, three-lot subdivision with lot width at setback variances.
- 1.06 On Oct. 22, 2020, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution. One design standard requires that lots be at least 110 feet wide at the required front yard setback. The applicant is proposing lot widths at setback of 104 feet for all three lots.

2.02 By City Code §400.055, a variance from the subdivision requirements may be granted but not mandated when the applicant meets a burden of proving that: (1) the proposed variance is a reasonable use of the property, considering things such as functional and aesthetic justifications for the variance and improvement to the appearance and stability of the property and neighborhood; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and (3) the variance would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 But for lot widths at setback, the preliminary plat would meet the design standards as outlined in City Code §400.030.

3.02 The proposed preliminary plat would meet the variance standards as outlined in City Code §400.055:

1. Reasonableness and Unique Circumstance: The existing property is 1.7 acres in size and has a depth of over 240 feet, far exceeding what is required by ordinance. In fact, the lot is the largest residential lot within the Highwood Drive and Highland Road neighborhood. The proposal would allow for three lots with lot widths *more* similar to those within the existing neighborhood. Further, the Highwood Drive and Highland Road neighborhood have a number of lots with varying degrees of non-conforming lot widths.

The ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. In 2016, the developer prepared a conforming exhibit for consideration. This exhibit illustrated how the property could be subdivided without the need for a variance with the construction of a cul-de-sac. After reviewing the exhibit, staff determined that the construction of the cul-de-sac and the utility installation would result in an increased amount of disturbance and future city maintenance.

2. Character of the Neighborhood: The variances would not adversely affect or alter the essential character of the neighborhood. The Highwood Drive and Highland Road neighborhood have a number of properties with

substandard lot widths. The proposed lot width variances would allow for lots similar in size to the existing lots within the neighborhood.

Section 4. Council Action.

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

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.
 - a) The following must be submitted for a final plat application to be considered complete:
 - 1) A final plat drawing that clearly illustrates the following:
 1. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 2. Utility easements over existing or proposed public utilities, as determined by the city engineer.
 3. Drainage and utility easements over stormwater management facilities, as determined by the city engineer.
 - 2) Title evidence that is current within thirty days before release of the final plat for the city attorney's review and approval.
 - 3) Final drainage plan must provide stormwater management for the entire site's impervious surface. A stormwater management plan must accompany the plan and must include calculations to show conformance with the city's rate, volume, and water quality criteria.
2. Prior to final plat approval:
 - a) This resolution must be recorded with Hennepin County.
 - b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.
3. Prior to release of the final plat for recording:
 - a) Submit the following:

- 1) Two sets of mylars for city signatures.
 - 2) An electronic CAD file of the plat in microstation or DXF.
 - 3) Park dedication fee of \$10,000.
4. Subject to staff approval, TONKAWOOD FARMS THIRD ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
- Preliminary plat dated Dec. 9, 2016
 - Grading plan dated Dec. 9, 2016
 - Tree preservation plan dated Dec. 9, 2016
5. A grading permit is required for construction of all proposed stormwater management facilities prior to construction of any new home. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
- a) The following must be submitted in order for the grading permit to be considered complete.
 - 1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
 - 2) An electronic PDF copy of all required plans and specifications.
 - 3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 - a. Final grading plan and tree preservation plans must:
 - Not result in the removal of more than five of the site's currently existing 17 high priority trees.
 - Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements, as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
 - b. Final drainage plan must provide stormwater management for the entire site's impervious

surface. A stormwater management plan must accompany the plan and must include calculations to show conformance with the city's rate, volume, and water quality criteria.

c. Final utility plan must:

- Indicate if the existing services will be used or indicate the new service location.
- Confirm 1-inch service size is adequate to service the new homes.
- Illustrate the removal of the existing services in their entirety to the respective main if new services are proposed. Water lines must be cut off at the corporation stop, and the corporation stop must be turned off.
- Include a note that if multiple street disturbances are needed for a utility connection, a full-width mill and overlay of the street may be required rather than individual street patches.

- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct stormwater and utility improvements, comply with grading permit, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
- 5) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- 6) A copy of the approved MPCA NPDES permit.
- 7) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
- 8) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

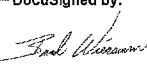
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- 9) Stormwater maintenance agreement in the city approved format.
- b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- c) Permits may be required from other outside agencies including, Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
6. Prior to issuance of a building permit for the first new house within the development, submit the following documents:
- a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
- b) Proof of subdivision registration and transfer of NPDES permit.
- c) The stormwater facilities must be constructed.
7. Prior to issuance of a building permit for any of the lots within the development:
- a) Submit the following items for staff review and approval:
- 1) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
- 2) Final grading and tree preservation plan for the lot. The plan must:

- a. Be in substantial conformance with the grading and tree preservation plans dated Dec. 9, 2016.
 - b. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for the installation of services.
 - c. Provide protection for the large oaks on the north side of the site. These oaks must be protected through the course of construction and may not be removed unless confirmed dead by the city prior to removal.
- 3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
- 4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.
- b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - c) Install and maintain adequate protection of the stormwater facilities during construction.
 - d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to all the R-1 zoning standards. In addition, all lots within the development must meet all

minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

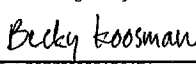
- 9. During construction, the streets must be kept free of debris and sediment.
- 10. The property owner is responsible for replacing any required landscaping that dies.
- 11. The city must approve the final plat within one year of the preliminary approval, or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Nov. 9, 2020.

DocuSigned by:


21AA42DB33F7415...
Brad Wiersum, Mayor

Attest:


DocuSigned by:


C8F6090541C54E1
Becky Koosman, City Clerk

Action on this resolution:

- Motion for adoption:
- Seconded by:
- Voted in favor of:
- Voted against:
- Abstained:
- Absent:
- Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Nov. 9, 2020.



 Becky Koosman, City Clerk

PRELIMINARY COPY
8/26/2021

KNOW ALL PERSONS BY THESE PRESENTS: That John M. Tesar and Janice M. Tesar, husband and wife; Timothy M. Neutgens and Lynelle M. Neutgens, husband and wife; Matthew M. Neutgens and Julie M. Neutgens, husband and wife; James J. Payne and Lori A. Payne, husband and wife; and Thomas A. Neutgens and Elizabeth B. Neutgens, husband and wife, fee owners of the following described property situated in the County of Hennepin, State of Minnesota to-wit:

All that part of Lot 7, Block 1, "TONKAWOOD FARMS" described as follows, to-wit: Beginning at the Southeast corner of said Lot 7, thence North along the East line of said Lot a distance of 253.65 feet to the Northeast corner of said Lot, thence West along the North line of said Lot a distance of 312.63 feet to a point 312.63 feet East of the Northwest corner of said Lot 7, thence South parallel with the West line of said Lot to the Southerly line of said Lot, thence East along the Southerly line of said Lot to the point of beginning.

Have caused the same to be surveyed and platted as TONKAWOOD FARMS THIRD ADDITION and do hereby dedicate to the public for public use the public way and the easements for drainage and utility purposes as created by this plat.

In witness whereof said John M. Tesar and Janice M. Tesar, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

John M. Tesar Janice M. Tesar

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__, by John M. Tesar and Janice M. Tesar.

(Signature)

(Print)
Notary Public, _____ County, _____
My Commission Expires _____

In witness whereof said Timothy M. Neutgens and Lynelle M. Neutgens, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

Timothy M. Neutgens Lynelle M. Neutgens

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__, by Timothy M. Neutgens and Lynelle M. Neutgens.

(Signature)

(Print)
Notary Public, _____ County, _____
My Commission Expires _____

In witness whereof said Matthew M. Neutgens and Julie M. Neutgens, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

Matthew M. Neutgens Julie M. Neutgens

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__, by Matthew M. Neutgens and Julie M. Neutgens.

(Signature)

(Print)
Notary Public, _____ County, _____
My Commission Expires _____

In witness whereof said James J. Payne and Lori A. Payne, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

James J. Payne Lori A. Payne

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__, by James J. Payne and Lori A. Payne.

(Signature)

(Print)
Notary Public, _____ County, _____
My Commission Expires _____

In witness whereof said Thomas A. Neutgens and Elizabeth B. Neutgens, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

Thomas A. Neutgens Elizabeth B. Neutgens

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20__, by Thomas A. Neutgens and Elizabeth B. Neutgens.

(Signature)

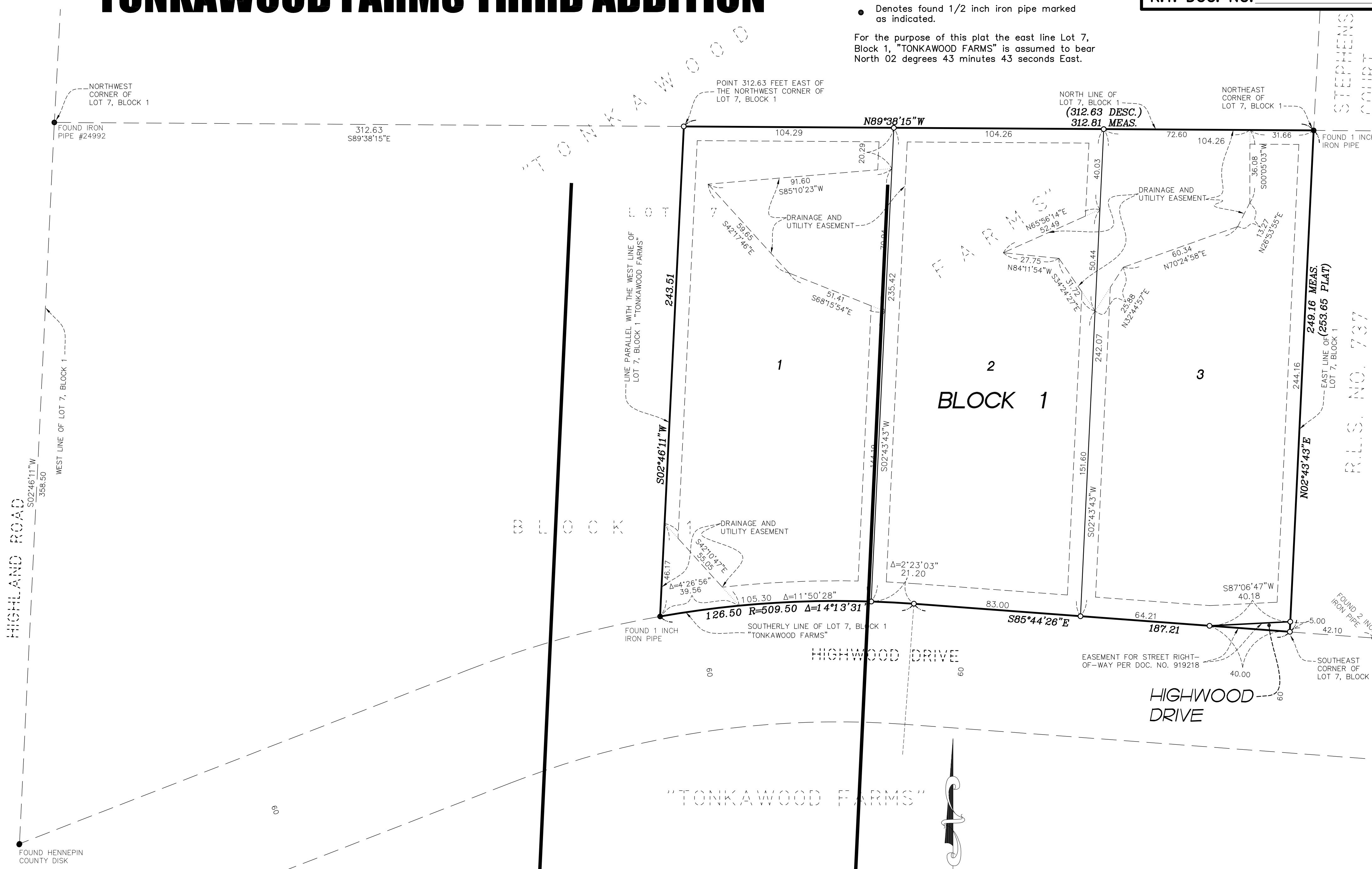
(Print)
Notary Public, _____ County, _____
My Commission Expires _____

I, Daniel W. Obermiller do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated ____ day of _____, 20__.

Daniel W. Obermiller, Licensed Land Surveyor
Minnesota License No. 25341

TONKAWOOD FARMS THIRD ADDITION



- Denotes set 1/2 inch by 14 inch iron pipe marked RLS. No. 25341.
- Denotes found 1/2 inch iron pipe marked as indicated.

For the purpose of this plat the east line Lot 7, Block 1, "TONKAWOOD FARMS" is assumed to bear North 02 degrees 43 minutes 43 seconds East.

R.T. DOC. NO. _____

STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me this ____ day of _____, 20__, by Daniel W. Obermiller.

(Signature)

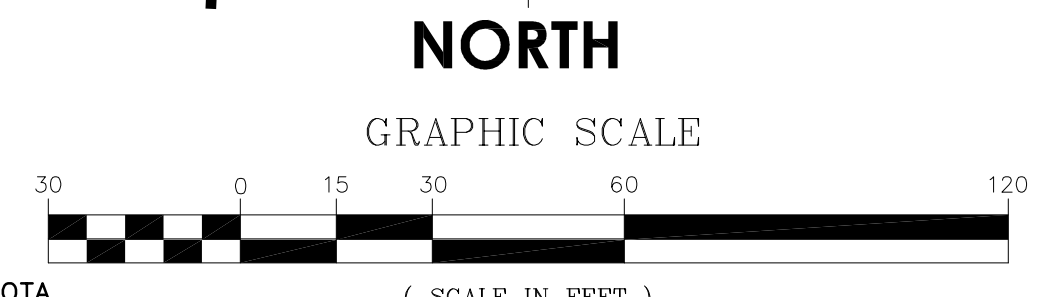
(Print)
Notary Public, _____ County, _____
My Commission Expires _____

CITY COUNCIL, CITY OF MINNETONKA, MINNESOTA
This plat of TONKAWOOD FARMS THIRD ADDITION was approved and accepted by the City Council of the City of Minnetonka, Minnesota, at a regular meeting thereof held this ____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

_____, Mayor _____, Clerk

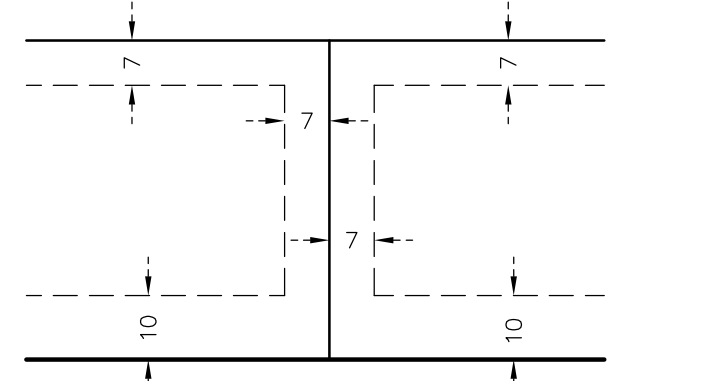
RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA
I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated ____ day of _____, 20__.

Mark V. Chapin, County Auditor By _____, Deputy



TYPICAL EASEMENTS

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH ADJOINING RIGHT OF WAY LINES AND 7 FEET IN WIDTH ADJOINING LOT LINES UNLESS OTHERWISE SHOWN.

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this ____ day of _____, 20__.

Chris F. Mavis, County Surveyor By _____

REGISTRAR OF TITLES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of TONKAWOOD FARMS THIRD ADDITION was filed in this office this ____ day of _____, 20__, at ____ o'clock ____ M.

Martin McCormick, Registrar of Titles By _____, Deputy

E. G. RUD & SONS, INC.
Professional Land Surveyors
EST. 1977

Resolution No. 2021-

**Resolution approving the final plat of TONKAWOOD FARMS THIRD ADDITION
at 15014 Highwood Drive**

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

Section 1. Background.

1.01 The property is located at 15014 Highwood Drive. It is legally described as follows:

That part of Lot 7, Block 1, TONKAWOOD FARMS lying east of the west 312.63 feet. Except roads. Hennepin County, Minnesota.

1.02 On Nov. 9, 2020, the city council adopted Resolution 2020-094, approving a preliminary plat dividing the subject property into three single-family lots.

1.03 R&R Construction of Mpls, Inc., has now requested final plat approval of TONKAWOOD FARMS THIRD ADDITION.

Section 2. Findings.

2.01 The final plat meets the requirements and standards outlined in the Subdivision Ordinance, City Code §400.

2.02 The final plat is consistent with the previously approved preliminary plat.

Section 3. Council Action.

3.01 The above-described final plat of TONKAWOOD FARMS THIRD ADDITION is hereby approved, subject to the following conditions:

1. Compliance with the conditions outlined in preliminary plat Resolution No. 2020-094, except as modified by the following conditions:

2. Prior to release of the final plat for recording, submit the following:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF.
 - c) Park dedication fee of \$10,000.

3. This approval will be void on Oct. 18, 2022 if: (1) a final plat has not been recorded, or (2) the city council has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 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 duly authorized meeting held on Oct. 18, 2021.

Becky Koosman, City Clerk



**City Council Agenda Item 12A
Meeting of October 18, 2021**

Title: Items relating to Dick's Sporting Goods at 12437 Wayzata Blvd
Report From: Ashley Cauley, Senior Planner
Submitted through: Mike Funk, Acting City Manager
Julie Wischnack, AICP, Community Development Director

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

Summary Statement

On [Feb. 8, 2021](#), the city council approved an amendment to the Ridgedale Mall master development plan and building plans (façade updates) for Dick's Sporting Goods to occupy the anchor tenant space formerly occupied by Sears. Following approval, a permit was issued, and construction began.

The proposal requires: (1) an amendment to the existing master development plan; (2) site and building plan review; and (3) sign plan review.

Recommended Action

Staff recommends the city council introduce the ordinance and refer it back to the planning commission.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

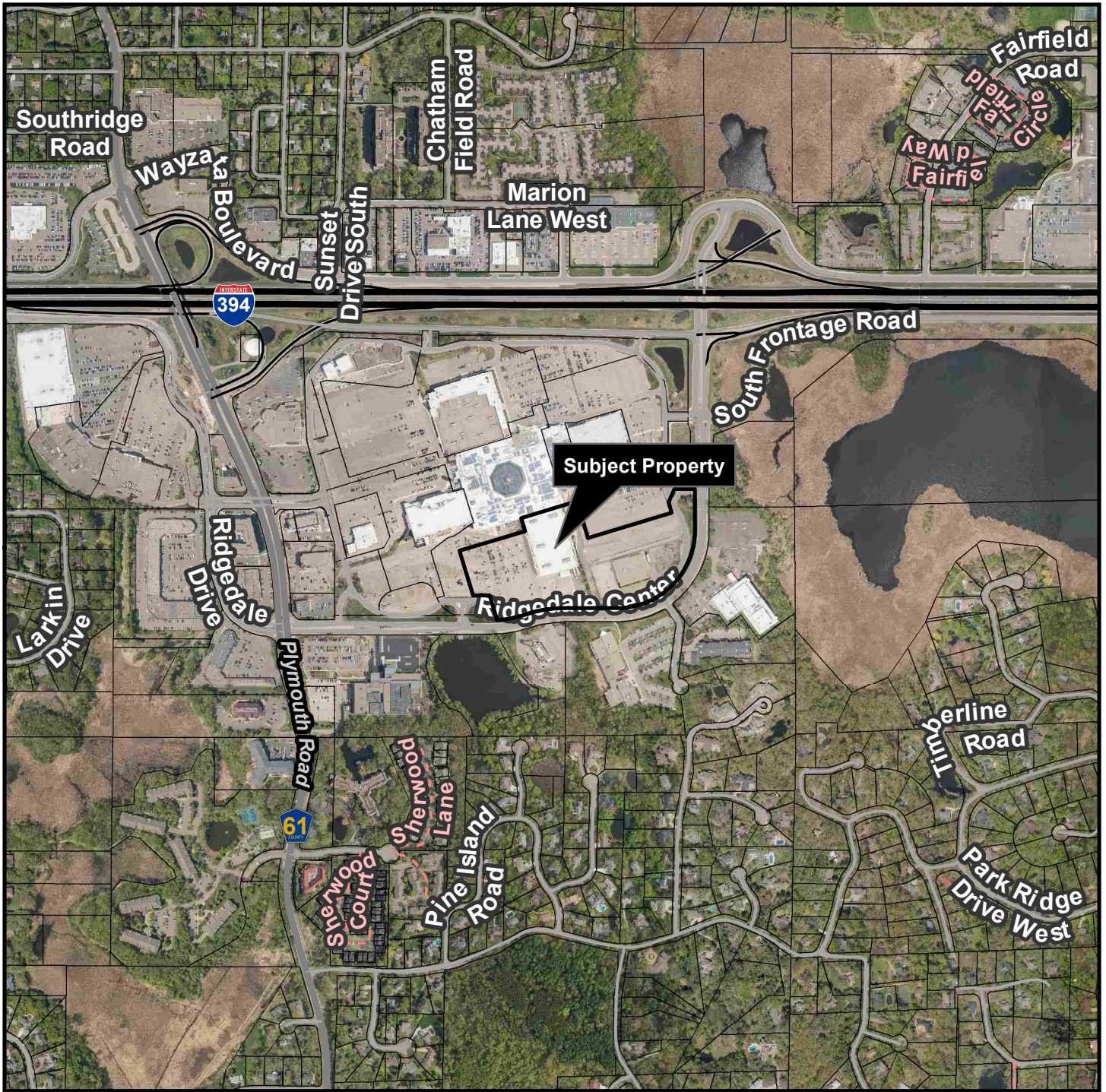
Statement: N/A

New proposal

On behalf of NELSON Worldwide and Brookfield Properties, Darion Ziegler is proposing additional site and building improvements for Dick's House of Sport (Dick's Sporting Goods).

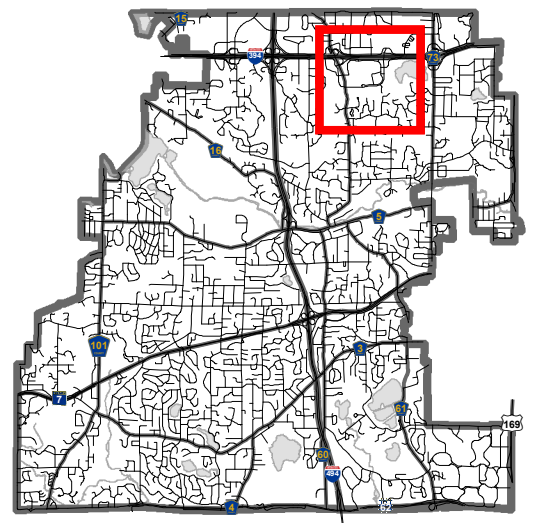
These improvements include:

- (1) an outdoor athletic field on the west side of the tenant space;
- (2) stormwater, pedestrian, and parking lot improvements;
- (3) site landscaping;
- (4) an extension of the façade improvements allows Dick's to occupy additional space within the former Sears tenant space; and
- (5) new exterior signs.



Location Map

Project: Dick's Sporting Goods
Address: 12437 Wayzata Blvd



September 14, 2021

Loren Gordon
City Planner
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

RE: Ridgedale Center - Sears Redevelopment – Dick’s Sporting Goods - Written Statement

Dear Loren:

Brookfield Properties is seeking to amend the Sears Redevelopment design that was approved by the City Council on February 8, 2021. Design modifications include:

1. Dick’s Sporting Goods’ sports field on the West side of the building
2. Revisions to the East and West elevations as part of the Dick’s Sporting Goods’ demised premises reflecting Dick’s Sporting Goods’ leasing an additional 10,000 square feet on the Upper Level of the building
3. Only signs associated with the Dick’s Sporting Goods store are being sought for approval. A future submittal will contain proposed signs for the balance of the building
4. Parking lot improvements at the areas surrounding the Dick’s Sporting Goods’ sports field

Our intent is to keep the approval process focused on the Dick’s Sporting Goods’ elevations, outdoor sports field, and adjacent parking lot improvements. Brookfield Properties will submit a separate application when we have tenants and signs to present for the balance of the Sears building.

Sincerely,

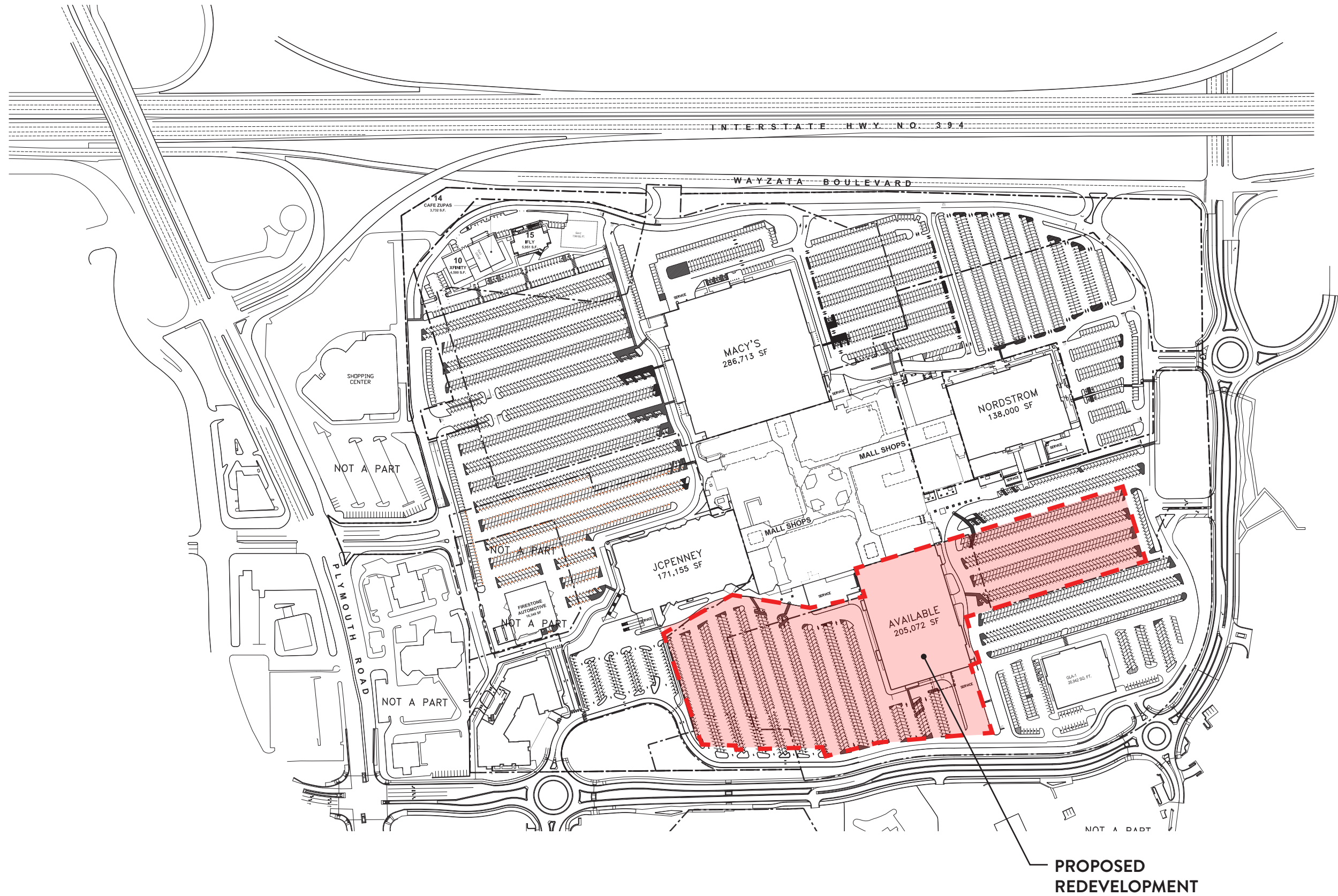


Matt Lesh
Director
Brookfield Properties Retail

Dick's Sporting Goods Building Configuration for Sears Redevelopment

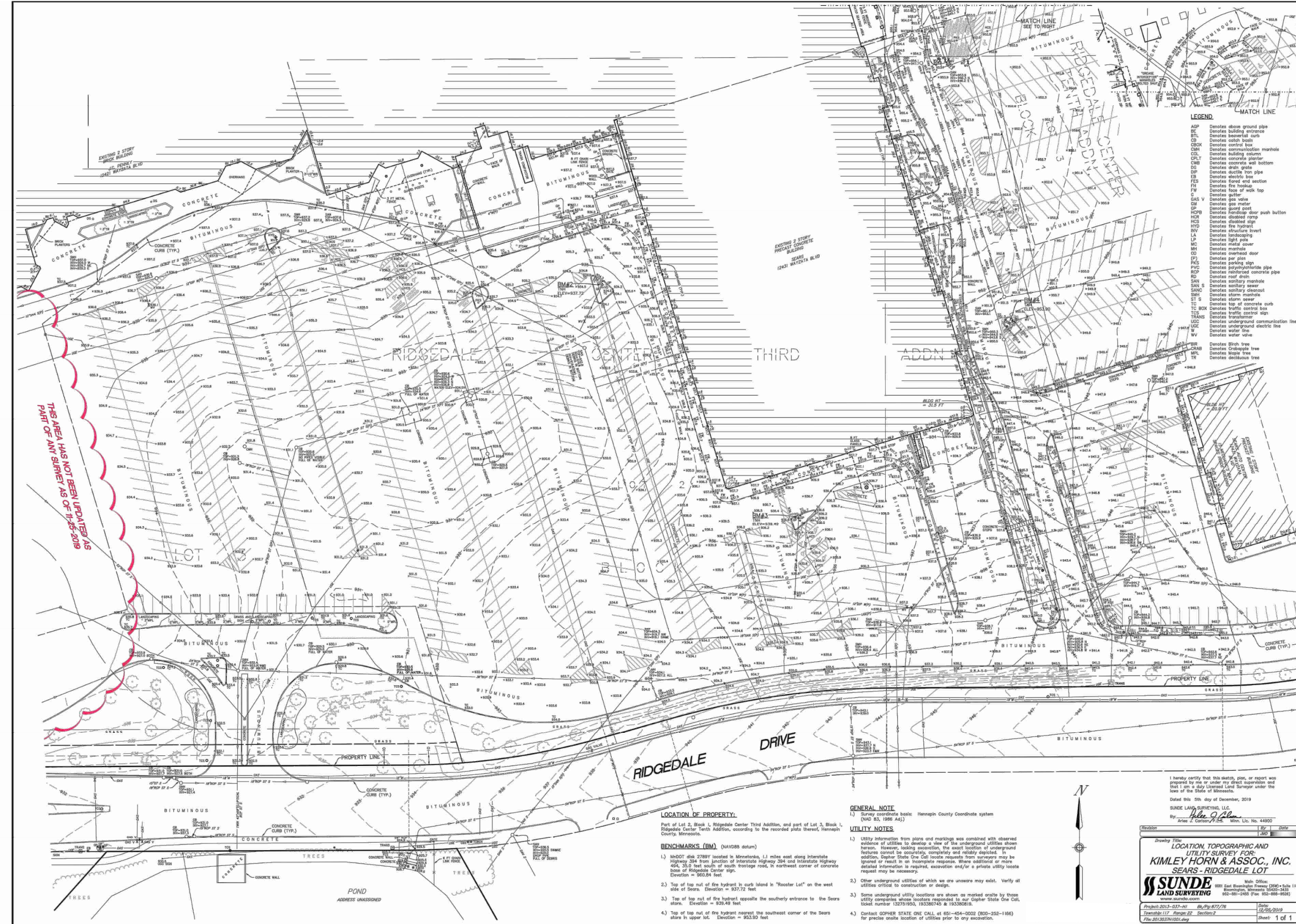
- Maximum of (1) one wall sign per tenant leasable frontage.
- The total height of the sign must not exceed 8'-0".
- The total length of the sign must not exceed 75% of the lineal wall frontage of the primary facade to which it is affixed.
- Canopy mounted signage is acceptable.

RIDGEDALE CENTER | OVERALL SITE PLAN



RIDGEDALE CENTER | SURVEY

K:\TWC_LDEV\Brookfield Properties\Ridgedale Sears Redevelopment\3 Design\CAD\PlanSheets\ALTA SURVEY.dwg March 24, 2020 - 8:19am
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THIS AREA HAS NOT BEEN UPDATED AS
PART OF ANY SURVEY AS OF 11-25-2019

LOCATION OF PROPERTY:

Part of Lot 2, Block 1, Ridgedale Center Third Addition, and part of Lot 3, Block 1, Ridgedale Center Tenth Addition, according to the recorded plats thereof, Hennepin County, Minnesota.

BENCHMARKS (BM) (NAVD83 datum)

- 1) MnDOT disk 2788Y located in Minnetonka, 1.1 miles east along Interstate Highway 354 from junction of Interstate Highway 354 and Interstate Highway 494, 35.0 feet south of south storage road, in northwest corner of concrete base of Ridgedale Center sign. Elevation = 960.84 feet
- 2) Top of top nut of fire hydrant in curb island in "Rooster Lot" on the west side of Sears. Elevation = 937.72 feet
- 3) Top of top nut of fire hydrant opposite the southern entrance to the Sears store. Elevation = 939.49 feet
- 4) Top of top nut of fire hydrant nearest the southeast corner of the Sears store in upper lot. Elevation = 953.90 feet

GENERAL NOTE

- 1.) Survey coordinate basis: Hennepin County Coordinate system (NAD 83, 1986 Ad.)

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, Gopher State One Call requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, excavation and/or a private utility locate request may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3.) Some underground utility locations are shown as marked orate by those utility companies whose locators responded to our Gopher State One Call, ticket number 12791953, 133396743 & 132308018.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1866) for precise onsite location of utilities prior to any excavation.



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

Dated this 25th day of December, 2019

SUNDE LAND SURVEYING, LLC
By: *Alex J. Sunde*
Arist J. Carlson, P.E.S., Minn. Lic. No. 44900

Drawing Title: **LOCATION, TOPOGRAPHIC AND UTILITY SURVEY FOR: KIMLEY HORN & ASSOC., INC. SEARS - RIDGEDALE LOT**

SUNDE LAND SURVEYING Main Office: 9001 East Broadway Parkway (210) • Suite 118
Bloomington, Minnesota 55420-5433
651-886-2100 (Fax: 651-886-9095)
www.sunde.com

Project: 2019-037-101 Date: 12/25/2019
Drawings: 117 - Range 22 - Section 2
File: 2019037\101.dwg Sheet: 1 of 1



2018 KIMLEY-HORN AND ASSOCIATES, INC.
707 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651-444-1197
WWW.KIMLEY-HORN.COM

KHA PROJECT	180152000
DATE	02/07/2020
SCALE	AS SHOWN
DESIGNED BY	N/A
DRAWN BY	N/A
CHECKED BY	N/A

ALTA SURVEY

ISSUED FOR CONSTRUCTION

RIDGEDALE SEARS REDEVELOPMENT

PREPARED FOR

BROOKFIELD PROPERTIES

MINNETONKA, MINNESOTA

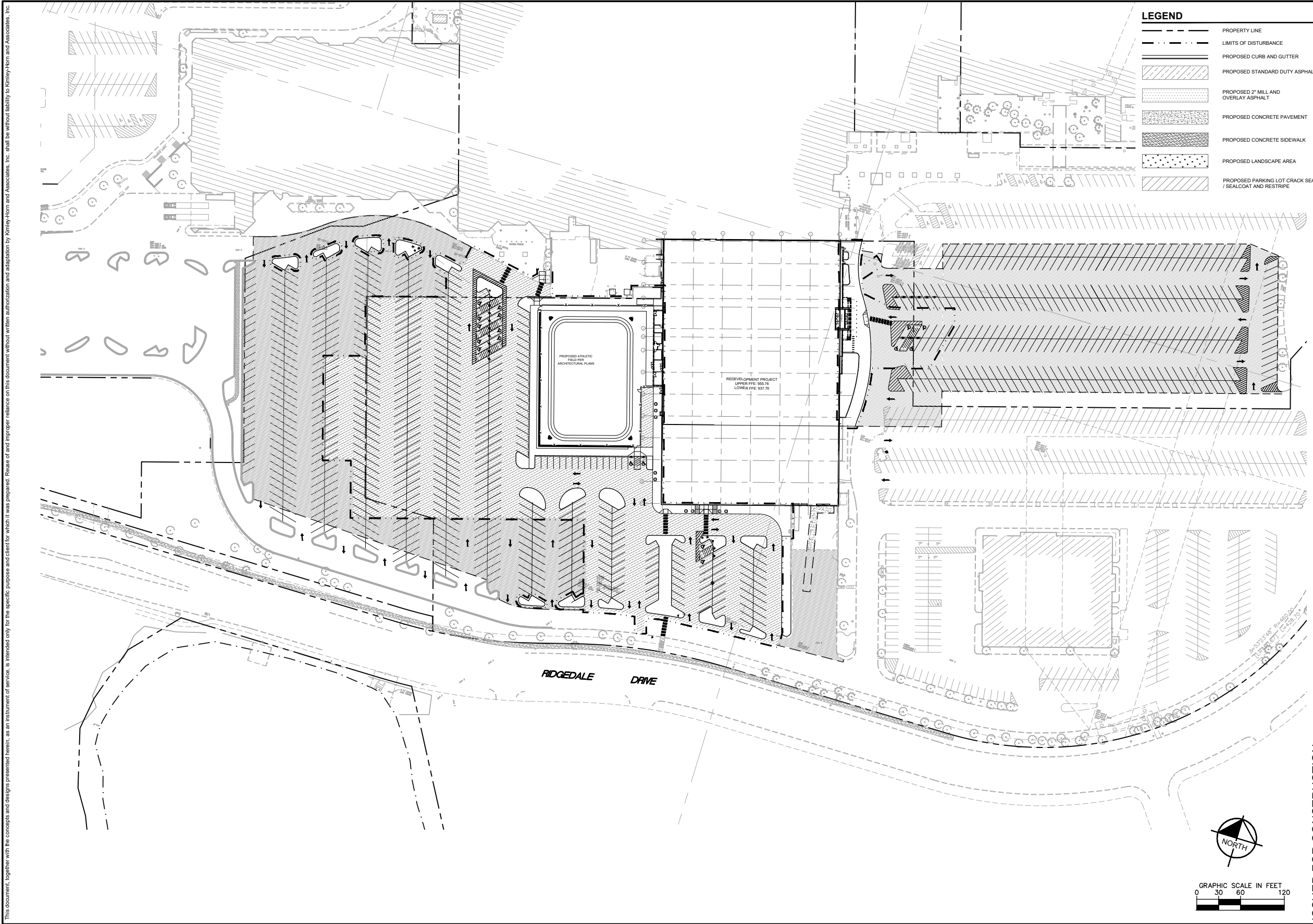
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NO.	REVISIONS	DATE	BY

RIDGEDALE CENTER | SITE PLAN

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LEGEND	
	PROPERTY LINE
	LIMITS OF DISTURBANCE
	PROPOSED CURB AND GUTTER
	PROPOSED STANDARD DUTY ASPHALT
	PROPOSED 2" MILL AND OVERLAY ASPHALT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED CONCRETE SIDEWALK
	PROPOSED LANDSCAPE AREA
	PROPOSED PARKING LOT CRACK SEAL / SEALCOAT AND RESTRIPE

NO.	REVISIONS	DATE	BY

Kimley >>> Horn
 ©2021 KIMLEY-HORN AND ASSOCIATES, INC.
 707 EULSTIS STREET, SUITE 100, ST. PAUL, MN 55114
 PHONE: 651-446-4197
 WWW.KIMLEY-HORN.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
KHA PROJECT 180152000	DATE 09/10/2021
SCALE AS SHOWN	DESIGNED BY DSJ
DRAWN BY DSJ	CHECKED BY ALC
DATE 3/24/2020	ME. NO. 47869

OVERALL SITE PLAN

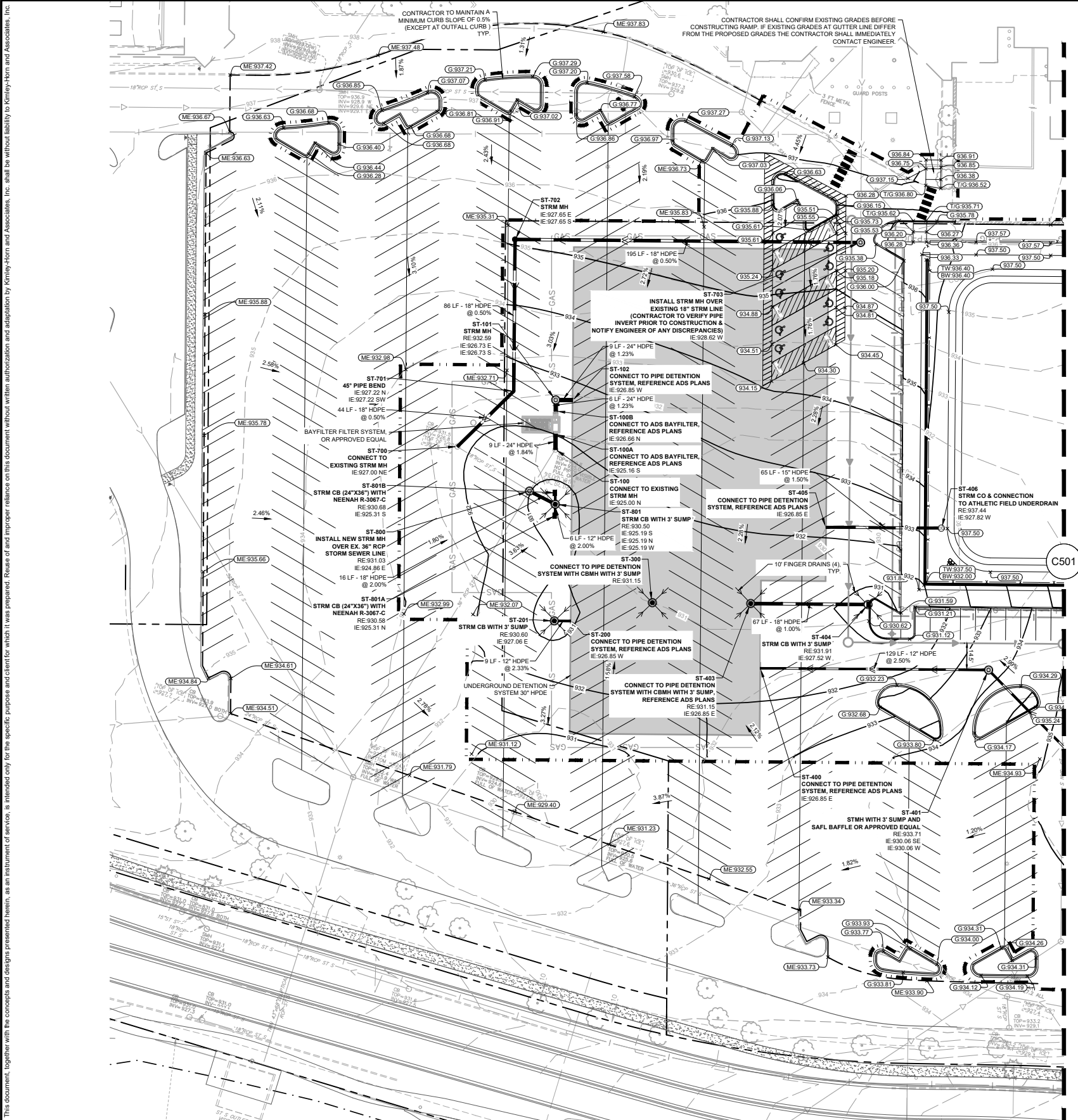
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RIDGEDALE SEARS REDEVELOPMENT
 PREPARED FOR
BROOKFIELD PROPERTIES
 MINNETONKA MINNESOTA

SHEET NUMBER
C400

RIDGEDALE CENTER | GRADING & DRAINAGE PLAN

K:\TWC_LDEV\Brookfield Properties\Ridgedale Sears Redevelopment\CAD\PlanSheets\C5-GRADING PLAN.dwg September 10, 2021 - 2:03pm
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LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED STORM MANHOLE (SOLID CASTING)
- PROPOSED STORM MANHOLE (ROUND INLET CASTING)
- PROPOSED STORM MANHOLE/ CATCH BASIN (CURB INLET CASTING)
- PROPOSED STORM SEWER
- PROPOSED SPOT ELEVATION
- PROPOSED TOP STEP ELEVATION
- PROPOSED BOTTOM STEP ELEVATION
- PROPOSED GUTTER ELEVATION
- PROPOSED TOP OF CURB ELEVATION
- PROPOSED FLUSH PAVEMENT ELEVATION
- MATCH EXISTING ELEVATION
- PROPOSED DRAINAGE DIRECTION

- ### GRADING PLAN NOTES
1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MINNETONKA, SPECIFICATIONS AND BUILDING PERMIT REQUIREMENTS.
 2. CONTRACTOR TO CALL GOPHER STATE CALL ONE @ 1-800-252-1166 AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION/CONSTRUCTION FOR UTILITY LOCATIONS.
 3. STORM SEWER PIPE SHALL BE AS FOLLOWS:
RCP PER ASTM C-76
HDPE: 12" OR GREATER PER ASTM F-2306
PVC SCH. 40 PER ASTM D-3034
STORM SEWER FITTINGS SHALL BE AS FOLLOWS:
RCP PER ASTM C-76, JOINTS PER ASTM C-361, C-990, AND C-443
HDPE PER ASTM 3212
PVC PER ASTM D-3034, JOINTS PER ASTM D-3212
 4. CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OR EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
 5. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF EXISTING PAVEMENT.
 6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
 7. CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
 8. GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION AND LEAVE STREET READY FOR SUBBASE.
 9. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF OFF THE CONSTRUCTION SITE.
 10. REFER TO THE UTILITY PLAN FOR SANITARY SEWER MAIN, WATER MAIN SERVICE LAYOUT AND ELEVATIONS AND CASTING / STRUCTURE NOTATION.
 11. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES TO PROVIDE POSITIVE DRAINAGE.
 12. INSTALL A MINIMUM OF 4" CLASS 5 AGGREGATE BASE UNDER CURB AND GUTTER AND CONCRETE SIDEWALKS.
 13. UPON COMPLETION OF EXCAVATION AND FILLING, CONTRACTOR SHALL RESTORE ALL STREETS AND DISTURBED AREAS ON SITE. ALL DISTURBED AREAS SHALL BE REVEGETATED WITH A MINIMUM OF 4" OF TOPSOIL.
 14. ALL SPOT ELEVATIONS/CONTOURS ARE TO GUTTER / FLOW LINE UNLESS OTHERWISE NOTED.
 15. GRADING FOR ALL SIDEWALKS AND ACCESSIBLE ROUTES INCLUDING CROSSING DRIVEWAYS SHALL CONFORM TO CURRENT ADA STATEMENTAL STANDARDS. IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2%. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PARKING STALLS OR AISLES EXCEED 2% (1.5% TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERNAL BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ADA CRITERIA CANNOT BE MET IN ANY LOCATION PRIOR TO PAVING. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR ADA COMPLIANCE ISSUES.
 16. MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
 17. CONTRACTOR TO PROVIDE 3" INSULATION BY 6" WIDE CENTERED ON STORM PIPE IF LESS THAN 4" OF COVER IN PAVEMENT AREAS AND LESS THAN 3" OF COVER IN LANDSCAPE AREAS.
 18. ALL STORM SEWER CONNECTIONS SHALL BE GASKETED AND WATER TIGHT INCLUDING MANHOLE CONNECTIONS.
 19. ALL STORM SEWER PIPE SHALL BE AIR TESTED IN ACCORDANCE WITH THE CURRENT PLUMBING CODE.
 20. MAINTAIN A MINIMUM OF 1.25% SLOPE IN BITUMINOUS PAVEMENT AREAS, 0.5% SLOPE IN CONCRETE PAVEMENT AREAS.
 21. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "IN-FALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.

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Alan L. Catropool, P.E.

ALAN L. CATROPOOL, P.E.
DATE: 3/24/2020 U.C. NO. 47869

ISSUED FOR CONSTRUCTION

RIDGEDALE SEARS REDEVELOPMENT

PREPARED FOR

BROOKFIELD PROPERTIES MINNETONKA

ISSUED FOR CONSTRUCTION

RIDGEDALE SEARS REDEVELOPMENT

PREPARED FOR

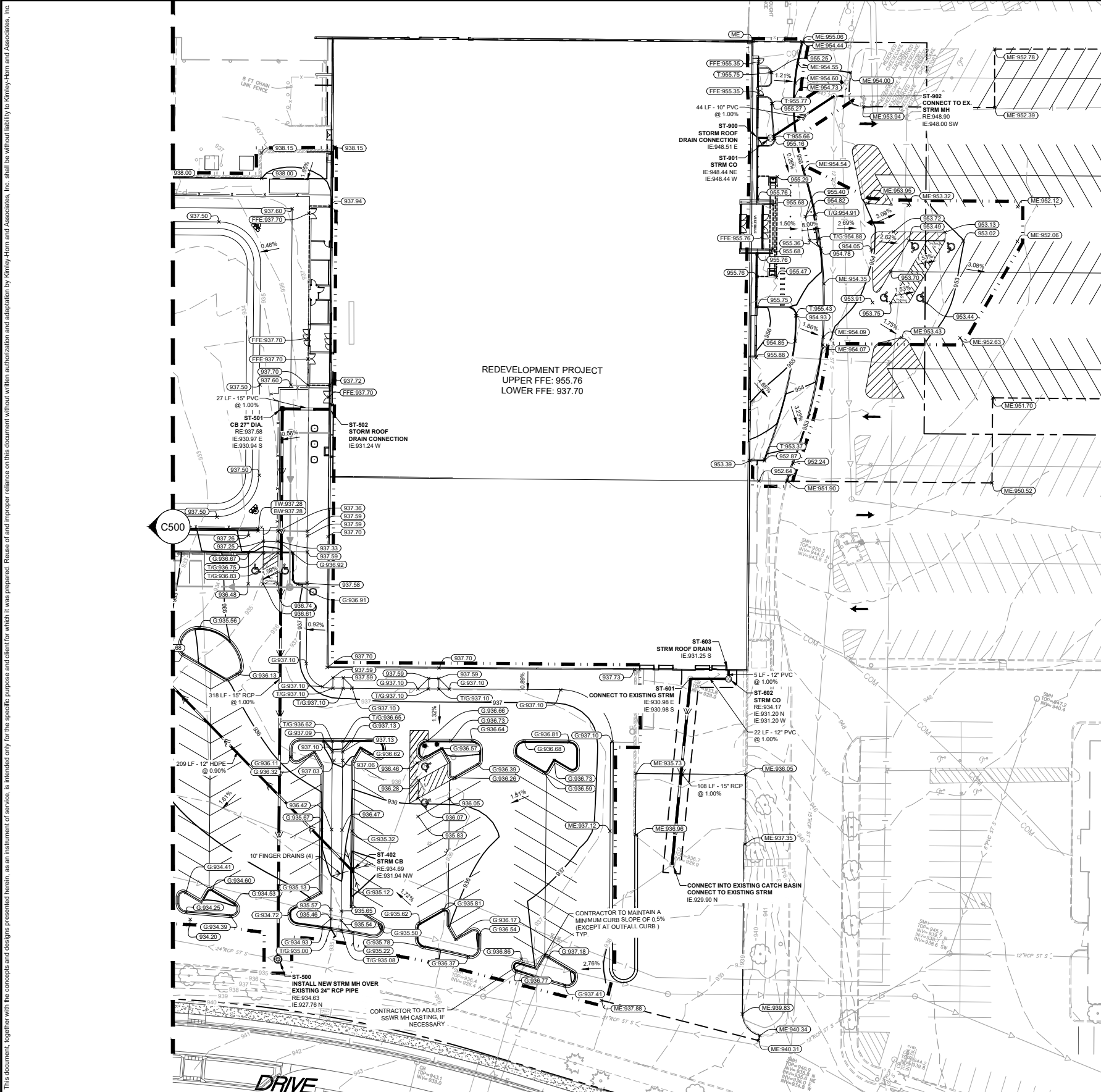
BROOKFIELD PROPERTIES MINNETONKA

SHEET NUMBER

C500

RIDGEDALE CENTER | GRADING & DRAINAGE PLAN

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 - PROPOSED BOTTOM STEP ELEVATION
 - PROPOSED GUTTER ELEVATION
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 - MATCH EXISTING ELEVATION
 - PROPOSED DRAINAGE DIRECTION

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 16. MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
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 19. ALL STORM SEWER PIPE SHALL BE AIR TESTED IN ACCORDANCE WITH THE CURRENT PLUMBING CODE.
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 21. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "INFALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.

ISSUED FOR CONSTRUCTION

RIDGEDALE SEARS REDEVELOPMENT

PREPARED FOR

BROOKFIELD PROPERTIES

MINNETONKA

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PHONE: 651-464-4197
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GRADING PLAN

SHEET NUMBER

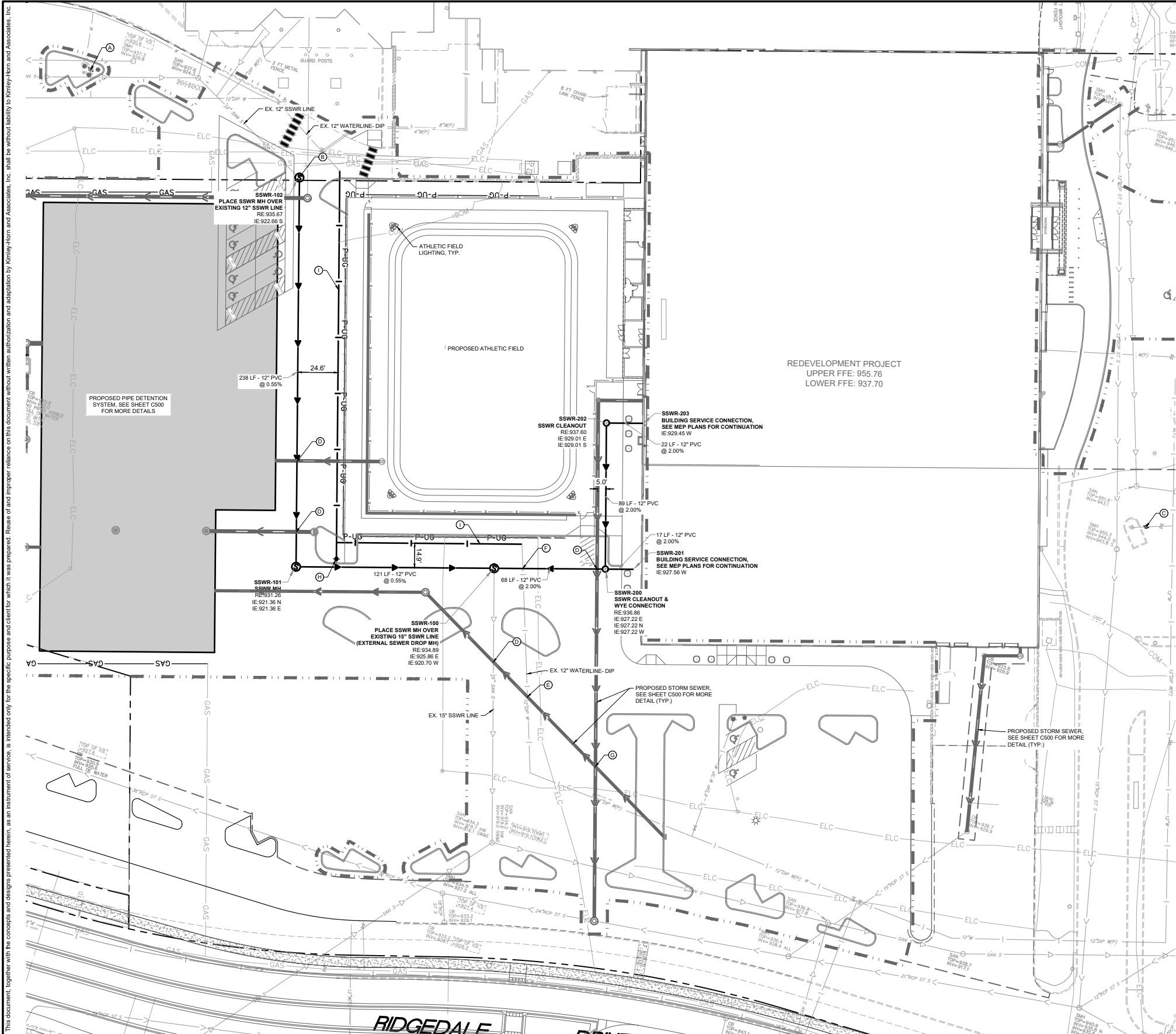
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NO.	REVISIONS	DATE	BY

KHA PROJECT	160152000	DATE	09/10/2021	SCALE	AS SHOWN
DESIGNED BY	DSB	DRAWN BY	DSB	CHECKED BY	ALC
DATE	09/10/2021	U.C. NO.	47809		

RIDGEDALE CENTER | SITE UTILITY PLAN

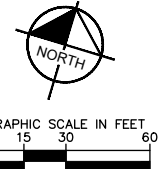
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LEGEND	
EXISTING	PROPOSED

- ### UTILITY PLAN NOTES
- ALL FILL MATERIAL IS TO BE IN PLACE, AND COMPACTED BEFORE INSTALLATION OF PROPOSED UTILITIES.
 - SANITARY SEWER PIPE SHALL BE AS FOLLOWS:
8" PVC SDR35 PER ASTM D-3034, FOR PIPES LESS THAN 12' DEEP
8" PVC SDR26 PER ASTM D-3034, FOR PIPES MORE THAN 12' DEEP
6" PVC SCHEDULE 40 PER ASTM D-3034
DUCTILE IRON PIPE PER AWWA C150
 - WATER LINES SHALL BE AS FOLLOWS:
6" AND LARGER, PVC C900 PER ASTM D 2241
CLASS 200 UNDER COUNTY ROADS, OTHERWISE CLASS 150
4" AND LARGER DUCTILE IRON PIPE PER AWWA C150
SMALLER THAN 4" PIPING SHALL BE COPPER TUBE TYPE "K" PER ANSI B16.22 OR PVC, 200 P.S.I., PER ASTM D1784 AND D2241.
 - MINIMUM TRENCH WIDTH SHALL BE 2 FEET.
 - ALL WATER JOINTS ARE TO BE MECHANICAL JOINTS WITH RESTRAINTS SUCH AS THRUST BLOCKING WITH STAINLESS STEEL OR COBALT BLUE BOLTS, OR AS INDICATED IN THE CITY SPECIFICATIONS AND PROJECT DOCUMENTS.
 - ALL UTILITIES SHOULD BE KEPT TEN (10') APART (PARALLEL) OR WHEN CROSSING 18" VERTICAL CLEARANCE (OUTSIDE EDGE OF PIPE TO OUTSIDE EDGE OF PIPE OR STRUCTURE).
 - CONTRACTOR SHALL MAINTAIN A MINIMUM OF 7'-5" COVER ON ALL WATERLINES.
 - IN THE EVENT OF A VERTICAL CONFLICT BETWEEN WATER LINES, SANITARY LINES, STORM LINES AND GAS LINES, OR ANY OBSTRUCTION (EXISTING AND PROPOSED), THE SANITARY LINE SHALL BE SCH. 40 OR C900 WITH MECHANICAL JOINTS AT LEAST 10 FEET ON EITHER SIDE OF THE CENTER LINE OF THE CROSSING. THE WATER LINE SHALL HAVE MECHANICAL JOINTS WITH APPROPRIATE FASTENERS AS REQUIRED TO PROVIDE A MINIMUM OF 18" VERTICAL SEPARATION. MEETING REQUIREMENTS OF ANSI A21.10 OR ANSI 21.11 (AWWA C-151) (CLASS 50).
 - LINES UNDERGROUND SHALL BE INSTALLED, INSPECTED AND APPROVED BEFORE BACKFILLING.
 - TOPS OF MANHOLES SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH PROPOSED PAVEMENT ELEVATIONS, AND TO BE ONE FOOT ABOVE FINISHED GROUND ELEVATIONS, IN GREEN AREAS, WITH WATER TIGHT LIDS.
 - ALL CONCRETE FOR ENCASEMENTS SHALL HAVE A MINIMUM 28 DAY COMPRESSION STRENGTH AT 3000 P.S.I.
 - EXISTING UTILITIES SHALL BE VERIFIED IN FIELD PRIOR TO INSTALLATION OF ANY NEW LINES.
 - REFER TO INTERIOR PLUMBING DRAWINGS FOR TIE-IN OF ALL UTILITIES.
 - CONTRACTOR IS RESPONSIBLE FOR COMPLYING TO THE SPECIFICATIONS OF THE CITY OF MINNETONKA AND/OR STATE OF MINNESOTA WITH REGARDS TO MATERIALS AND INSTALLATION OF THE WATER AND SEWER LINES.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
 - CONTRACTOR IS RESPONSIBLE FOR ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES.
 - CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR INSTALLATION REQUIREMENTS AND SPECIFICATIONS.
 - CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
 - BACKFLOW DEVICES (DDCV AND PRZ ASSEMBLIES) AND METERS ARE LOCATED IN THE INTERIOR OF THE BUILDING. REF. ARCH / MEP PLANS.
 - ALL ONSITE WATERMANS AND SANITARY SEWERS SHALL BE PRIVATELY OWNED AND MAINTAINED.
 - ALL WATERMAIN STUBOUTS SHALL BE MECHANICALLY RESTRAINED WITH REACTION BLOCKING.

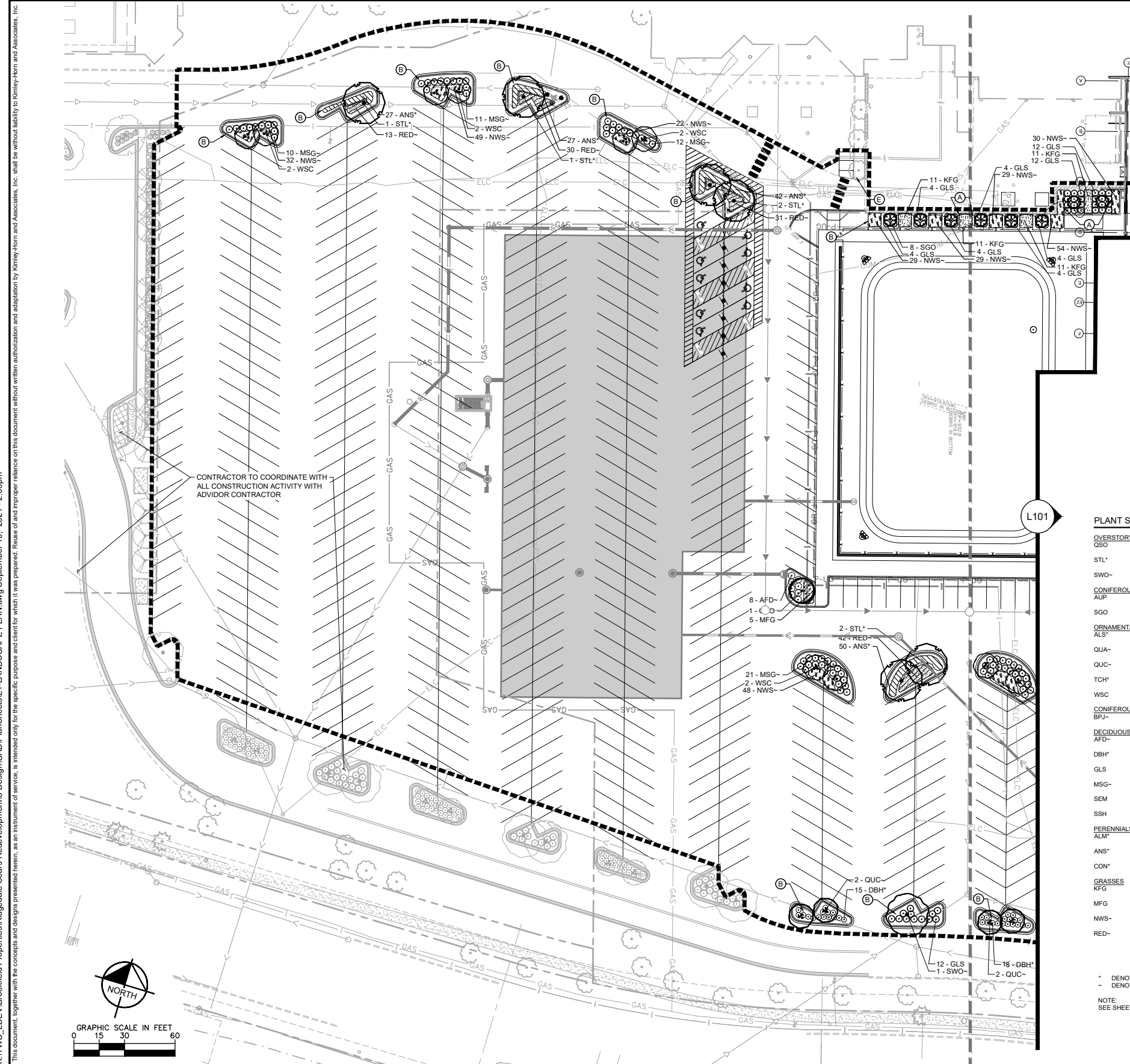
KEYNOTE LEGEND	
(A)	SALVAGE & RE-INSTALL FIRE HYDRANT. ADJUST ELEVATION PER PLAN
(B)	ADJUST RIM ELEVATION PER GRADING PLAN
(C)	RELOCATE & RE-INSTALL FIRE HYDRANT. ADJUST ELEVATION PER PLAN
(D)	SANITARY SEWER/STORM SEWER CROSSING. MAINTAIN 18" OF VERTICAL SEPARATION
(E)	STORM SEWER/WATER MAIN CROSSING. MAINTAIN 18" OF VERTICAL SEPARATION
(F)	SANITARY SEWER/WATER MAIN CROSSING. MAINTAIN 18" OF VERTICAL SEPARATION
(G)	STORM SEWER/STORM SEWER CROSSING. MAINTAIN 12" OF VERTICAL SEPARATION
(H)	PROPOSED HYDRANT AND ASSEMBLY
(I)	PROPOSED 12" WATER LINE



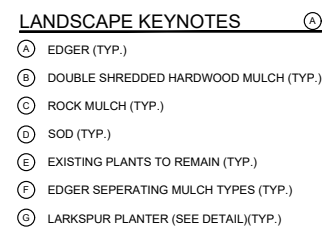
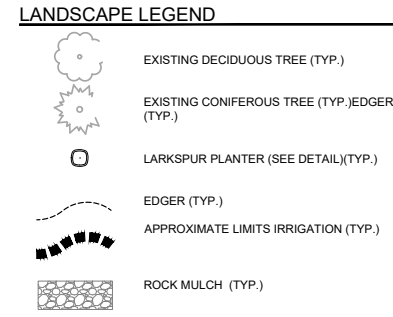
<p>2021 KIMLEY-HORN AND ASSOCIATES, INC. 707 EULIST STREET, SUITE 100, ST. PAUL, MN 55114 PHONE: 651-446-4197 WWW.KIMLEY-HORN.COM</p>		REVISIONS NO. DATE BY	
		ISSUED FOR CONSTRUCTION RIDGEDALE SEARS REDEVELOPMENT PREPARED FOR BROOKFIELD PROPERTIES MINNETONKA, MINNESOTA	
SHEET NUMBER C600		DATE: 09/10/2021 U.C. NO.: 47369 CHECKED BY: ALC	

RIDGEDALE CENTER | LANDSCAPE & TREE PLAN

K:\TWC_LDEV\Brookfield Properties\Ridgedale Sears Redevelopment\3 Design\CAD\PlanSheets\L1-LANDSCAPE PLAN.dwg September 10, 2021 - 2:05pm
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Release of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



CONTRACTOR TO COORDINATE WITH ALL CONSTRUCTION ACTIVITY WITH ADVISOR CONTRACTOR



PLANT SCHEDULE

OVERSTORY TREES	BOTANICAL NAME	COMMON NAME
QSO	QUERCUS ALBA X QUERCUS ROBUR	CRIMSON SPIRE OAK
STL*	TILIA AMERICANA 'MCKSENTRY'	SENTRY LINDEN
SWO-	QUERCUS BICOLOR	SWAMP WHITE OAK
CONIFEROUS TREES	BOTANICAL NAME	COMMON NAME
AUP	PINUS NIGRA	AUSTRIAN PINE
SGO	QUERCUS ROBUR X ALBA 'JFS-KW2QX' TM	SKINNY GENES OAK
ORNAMENTAL TREES	BOTANICAL NAME	COMMON NAME
ALS*	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLANCE'	AUTUMN BRILLANCE SERVICEBERRY CLUMP
QUA-	POPULUS TREMULOIDES	QUAKING ASPEN
QUC-	POPULUS TREMULOIDES	QUAKING ASPEN CLUMP
TCH*	CRATAEGUS CRUS-GALLI INERMIS TM	THORNLESS COCKSPUR HAWTHORN
WSC	BETULA POPULIFOLIA 'WHITESPIRE'	WHITESPIRE BIRCH CLUMP
CONIFEROUS SHRUBS	BOTANICAL NAME	COMMON NAME
BRJ-	JUNIPERUS HORIZONTALIS 'BLUE PRINCE'	BLUE PRINCE JUNIPER
DECIDUOUS SHRUBS	BOTANICAL NAME	COMMON NAME
AFD-	CORNUS SERICEA 'ARTIC FIRE'	ARTIC FIRE DOGWOOD
DBH*	DIERVILLA LONICERA	DWARF BUSH HONEYSUCKLE
GLS	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC
MSG-	CORNUS RACEMOSA 'MUSKINGHAM'	MUSKINGHAM GRAY DOGWOOD
SEM	SORBARIA SORBIFOLIA 'SEM'	SEM FALSESPIREA
SSH	HYDRANGEA PANICULATA 'RENSUN' TM	STRAWBERRY SUNDAE HYDRANGEA
PERENNIALS	BOTANICAL NAME	COMMON NAME
ALM*	ALLIUM TANGUTICUM 'SUMMER BEAUTY'	SUMMER BEAUTY ORNAMENTAL ONION
ANS*	AGASTACHE FOENICULUM 'BLUE FORTUNE'	BLUE FORTUNE ANISE HYSSOP
CON*	ECHINACEA X 'TNECHKY'	KISMET YELLOW CONEFLOWER
GRASSES	BOTANICAL NAME	COMMON NAME
KFG	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS
MFG	MISCANTHUS SINENSIS 'PURPURASCENS'	MISCANTHUS FLAME GRASS
NWS-	PANICUM VIRGATUM 'NORTH WIND'	NORTHWIND SWITCH GRASS
RED-	ANDROPOGON GERARDII 'RED OCTOBER'	RED OCTOBER BIG BLUESTEM

* DENOTES PLANTS FROM CITY'S NATIVE CULTIVAR LIST OR MEETS GENERAL INTENT OF LIST
- DENOTES NATIVE PLANT/ CULTIVAR OF NATIVE PLANT
NOTE: SEE SHEET ##### FOR LANDSCAPE SCHEDULE.

ISSUED FOR CONSTRUCTION

RIDGEDALE SEARS REDEVELOPMENT

PREPARED FOR **BROOKFIELD PROPERTIES**

MINNETONKA MINNESOTA

LANDSCAPE PLAN

SHEET NUMBER **L100**

DATE: 09/10/2021

SCALE: AS SHOWN

DESIGNED BY: RAH

DRAWN BY: RAH

CHECKED BY: RAH

DATE: 08/10/2021

SCALE: AS SHOWN

DESIGNED BY: RAH

DRAWN BY: RAH

CHECKED BY: RAH

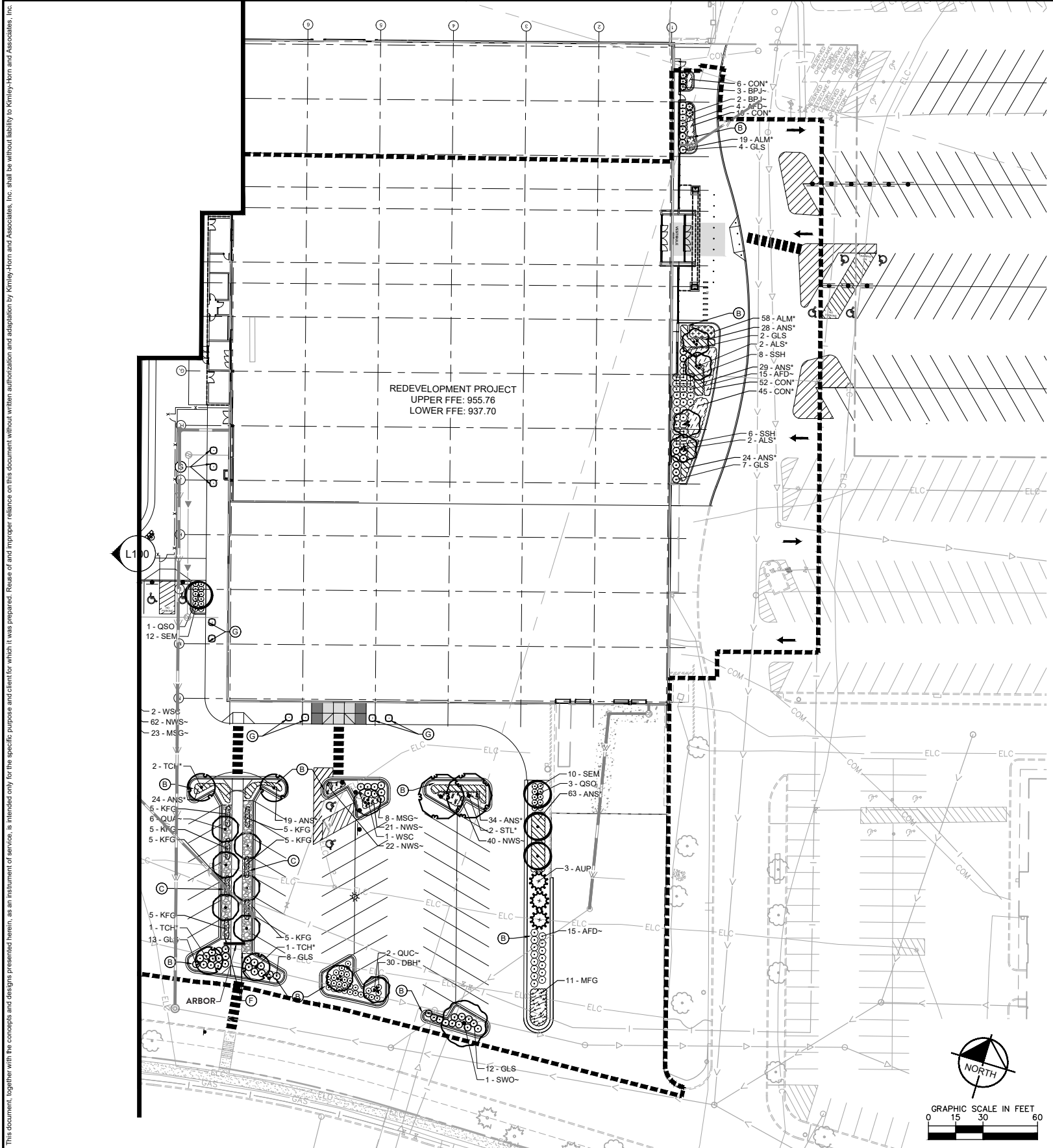
Kimley-Horn

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707 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651-446-4197
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

RIDGEDALE CENTER | LANDSCAPE & TREE PLAN

K:\TWC_LDEV\Brookfield Properties\Ridgedale Sears Redevelopment\3 Design\CAD\PlanSheets\L1 - LANDSCAPE PLAN.DWG September 10, 2021 - 2:08pm
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LANDSCAPE LEGEND

- EXISTING DECIDUOUS TREE (TYP.)
- EXISTING CONIFEROUS TREE (TYP.)/EDGER (TYP.)
- LARKSPUR PLANTER (SEE DETAIL)(TYP.)
- EDGER (TYP.)
- APPROXIMATE LIMITS IRRIGATION (TYP.)
- ROCK MULCH (TYP.)

LANDSCAPE KEYNOTES

- (A) EDGER (TYP.)
- (B) DOUBLE SHREDDED HARDWOOD MULCH (TYP.)
- (C) ROCK MULCH (TYP.)
- (D) SOD (TYP.)
- (E) EXISTING PLANTS TO REMAIN (TYP.)
- (F) EDGER SEPERATING MULCH TYPES (TYP.)
- (G) LARKSPUR PLANTER (SEE DETAIL)(TYP.)

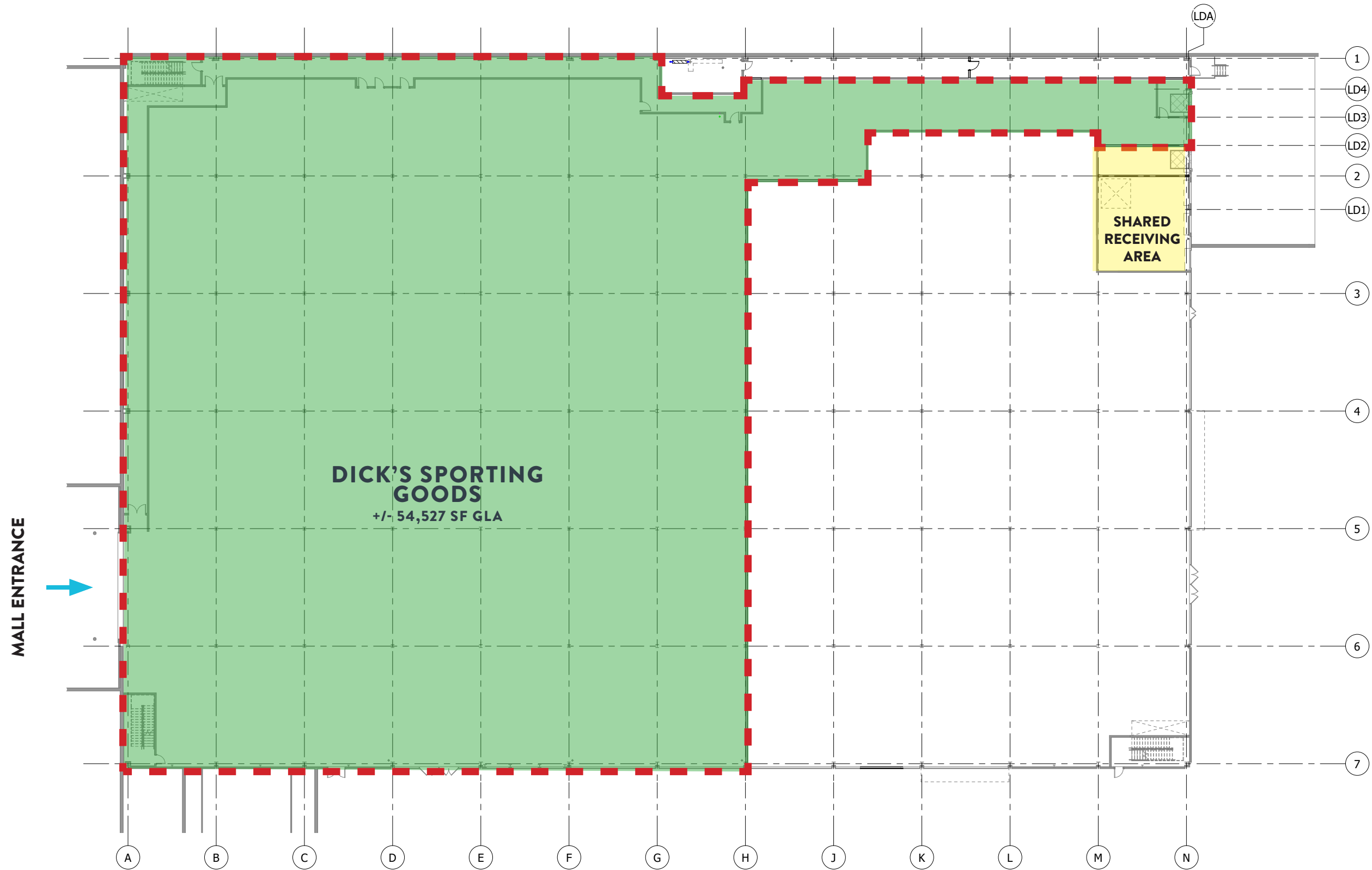
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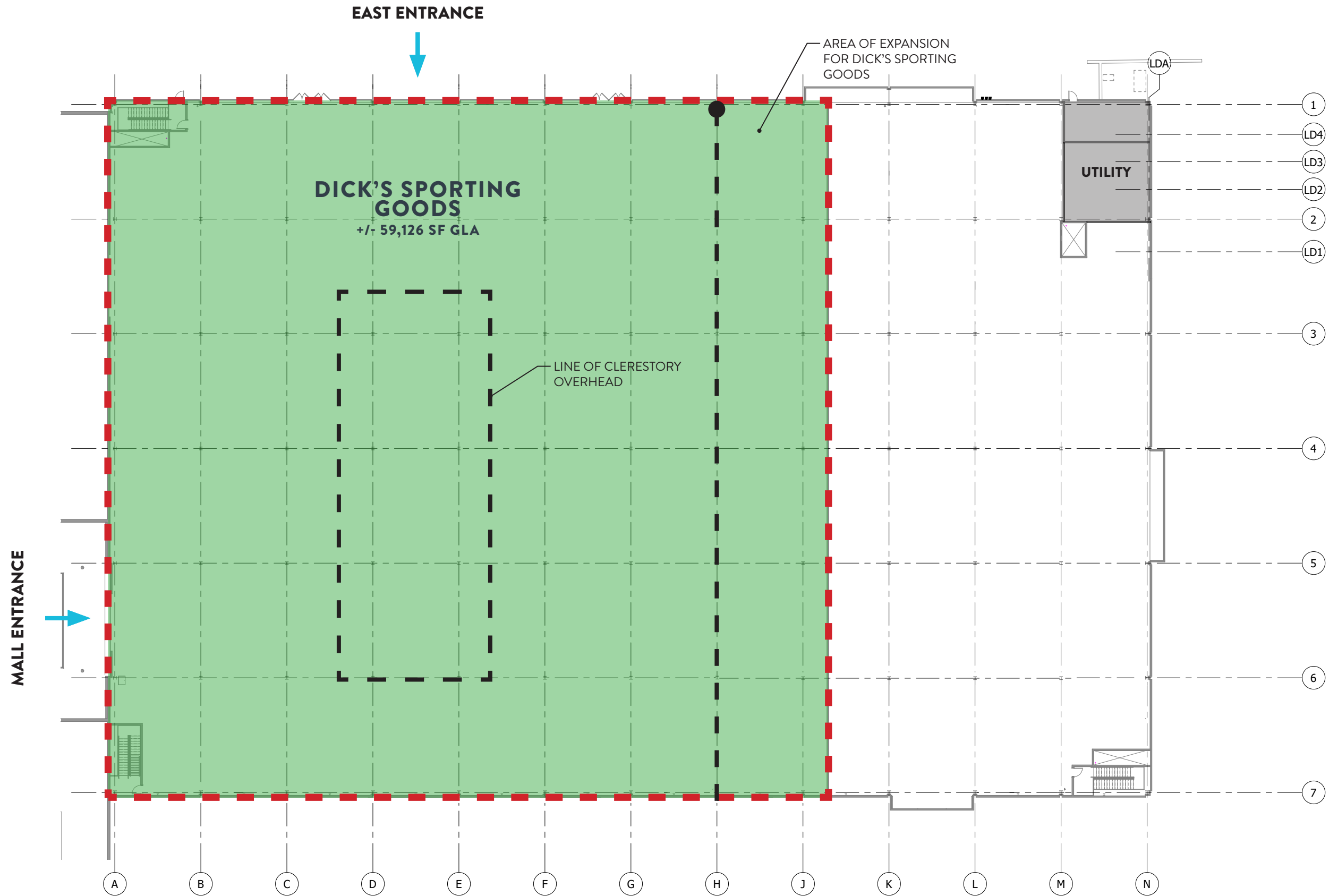
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- DENOTES NATIVE PLANT/ CULTIVAR OF NATIVE PLANT
NOTE: SEE SHEET ### FOR LANDSCAPE SCHEDULE.

<p>Kimley-Horn</p> <p>©2021 KIMLEY-HORN AND ASSOCIATES, INC. 707 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114 PHONE: 651-446-4197 WWW.KIMLEY-HORN.COM</p>	<p>LANDSCAPE PLAN</p> <p>ISSUED FOR CONSTRUCTION</p> <p>RIDGEDALE SEARS REDEVELOPMENT PREPARED FOR BROOKFIELD PROPERTIES MINNETONKA, MINNESOTA</p>
<p>DATE: 09/10/2021</p> <p>SCALE: AS SHOWN</p> <p>DESIGNED BY: RAH</p> <p>DRAWN BY: RAH</p> <p>CHECKED BY: RAH</p> <p>U.C. NO.: 53829</p>	<p>DATE: 09/10/2021</p> <p>SCALE: AS SHOWN</p> <p>DESIGNED BY: RAH</p> <p>DRAWN BY: RAH</p> <p>CHECKED BY: RAH</p> <p>U.C. NO.: 53829</p>
<p>SHEET NUMBER L101</p>	

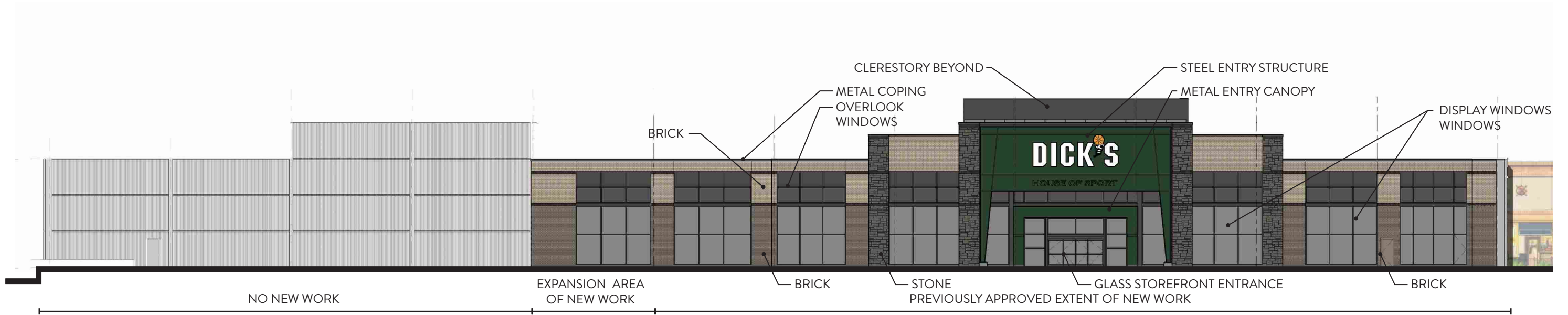
RIDGEDALE CENTER | SEARS ANCHOR - 1ST FLOOR PLAN



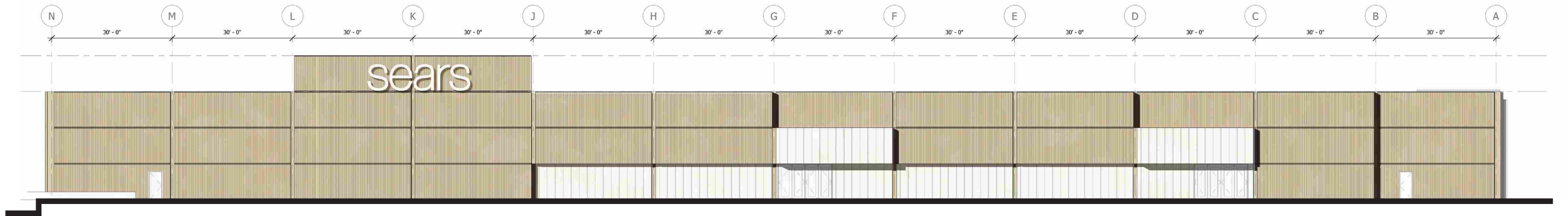
RIDGEDALE CENTER | SEARS ANCHOR - 2ND FLOOR PLAN



RIDGEDALE CENTER | EAST ELEVATION



PROPOSED EAST ELEVATION



EXISTING EAST ELEVATION

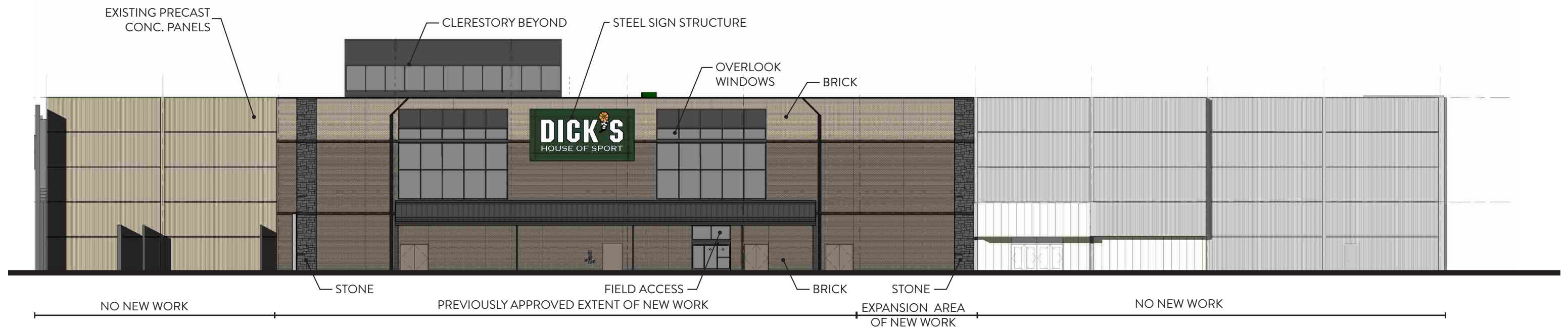
FINISH MATERIAL TAKEOFF

TOTAL ELEVATION AREA = +/- 10,615 SF

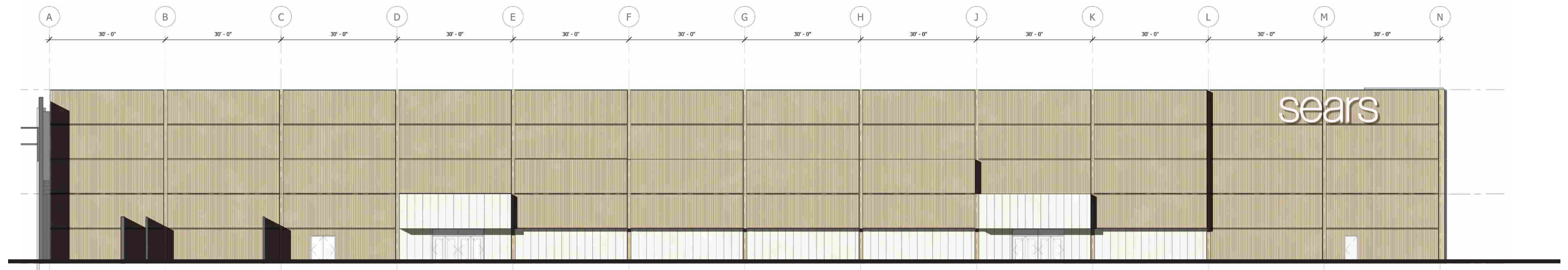
TOTAL RENOVATED AREA = +/- 7,088SF

- BRICK = +/- 1,825 SF (26%)
- STONE = +/- 689 SF (10%)
- STOREFRONT = +/- 3,525 SF (50%)
- METAL = +/- 689 SF (14%)

RIDGEDALE CENTER | WEST ELEVATION



PROPOSED WEST ELEVATION



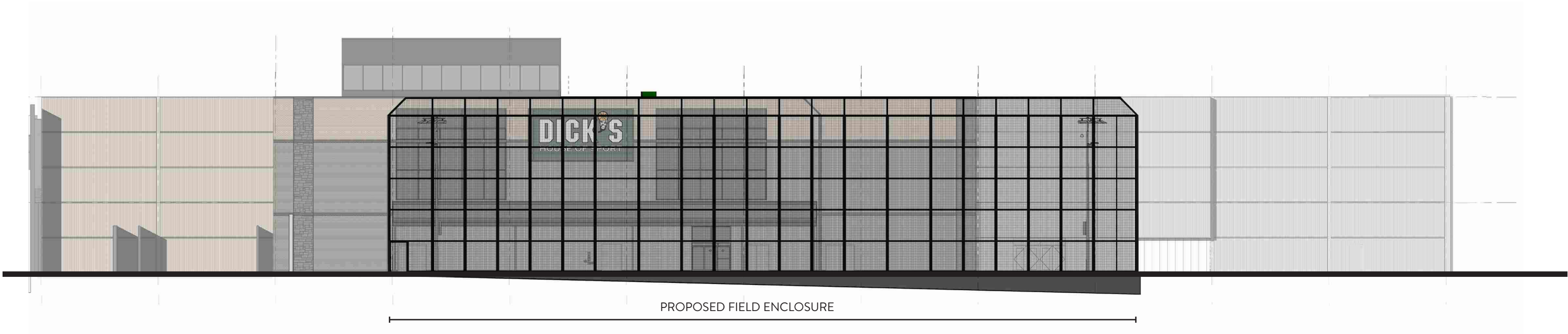
EXISTING WEST ELEVATION

FINISH MATERIAL TAKEOFF

TOTAL ELEVATION AREA = +/- 15,850 SF

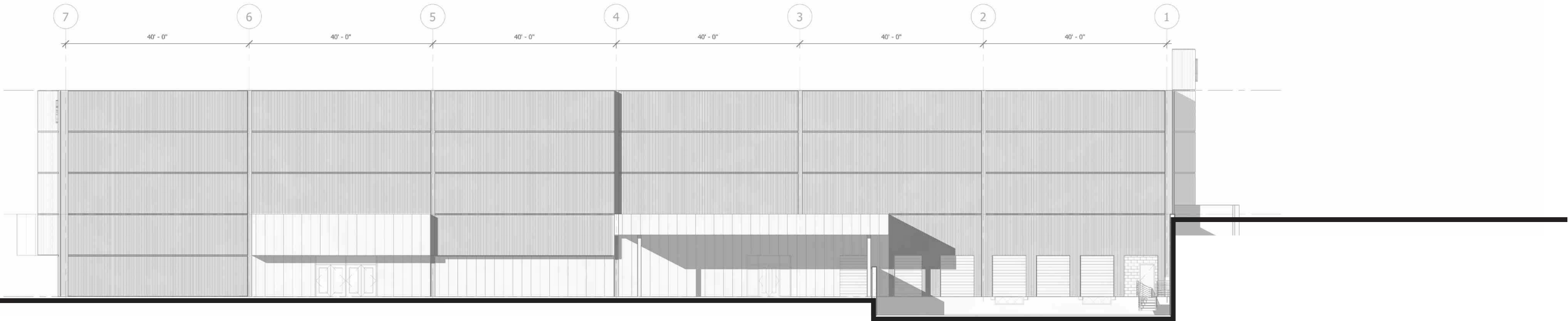
TOTAL RENOVATED AREA = +/- 8,606 SF

- METAL = +/- 168 (2%)
- BRICK = +/- 6,544 SF (76%)
- STONE = +/- 455 SF (5%)
- STOREFRONT = +/- 1,439 SF (17%)



PROPOSED WEST ELEVATION - FIELD

RIDGEDALE CENTER | SOUTH ELEVATION



EXISTING SOUTH ELEVATION - NO NEW WORK, EXISTING TO REMAIN

FINISH MATERIAL TAKEOFF
TOTAL ELEVATION AREA = +/- 10,760 SF

RIDGEDALE CENTER | PERSPECTIVE - EAST ENTRANCE



RIDGEDALE CENTER | PERSPECTIVE - EAST ENTRANCE



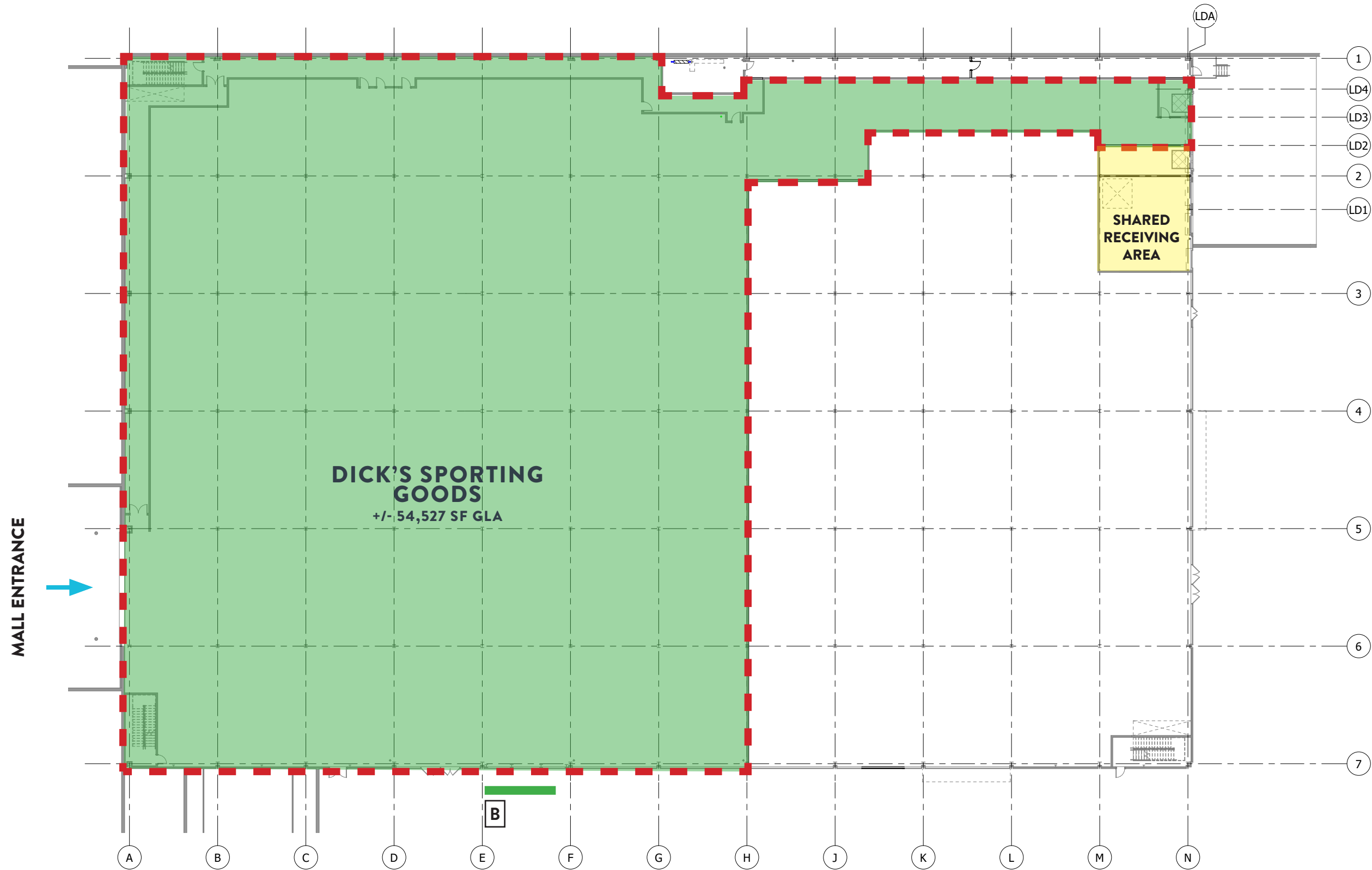




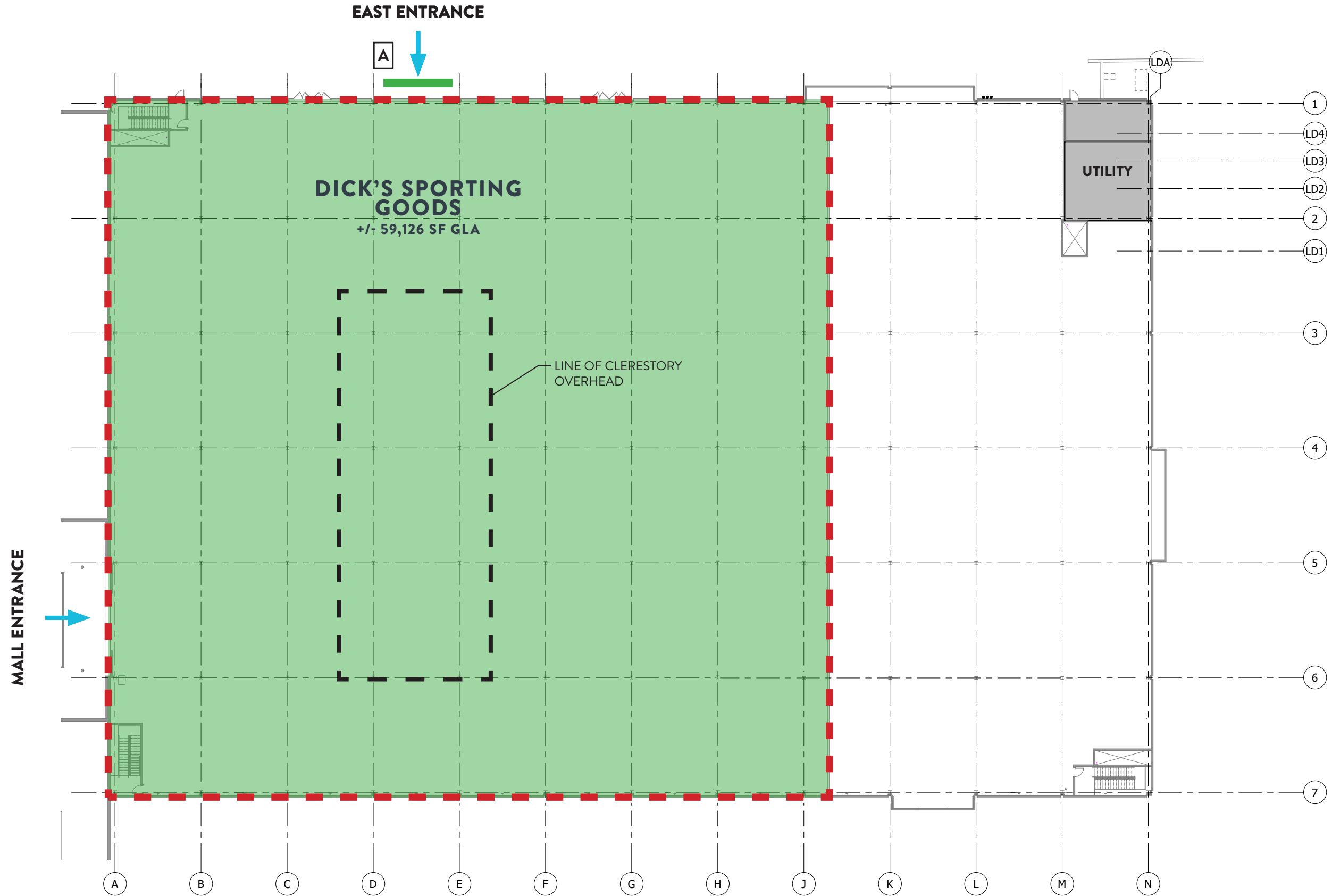




RIDGEDALE CENTER | SEARS ANCHOR - FIRST FLOOR SIGN KEY PLAN



RIDGEDALE CENTER | SEARS ANCHOR - 2ND FLOOR SIGN KEY PLAN





*SIGNAGE DIMENSIONS ARE NOT SIGNIFICANTLY DIFFERENT FROM THOSE PREVIOUSLY APPROVED (PREVIOUSLY APPROVED WERE 21'-2" WIDE WITH 6'-0" TALL LOGO AND 1'-2" TALL TEXT BELOW)



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Ordinance No. 2021-

**An ordinance adopting an amendment to the Ridgedale Center
master development plan, for Dick's Sporting Goods
at 12347 Wayzata Blvd**

The City Of Minnetonka Ordains:

Section 1. Background

1.01 The subject property is located at 12437 Wayzata Blvd. The property is legally described as:

Lot 2, Block 1, RIDGEDALE CENTER THIRD ADDITION, and Lot 3, Block 1, RIDGEDALE CENTER TENTH ADDITION according to the recorded plats thereof, Hennepin County, Minnesota.

Torrens Certificate Numbers are 1469396.

1.02 The property was developed in 1974. The mall anchor department store was formerly occupied by Sears.

1.03 The Ridgedale Center Master Development Plan was adopted in 2013. The plan consisted of three phases:

Phase One: The first phase included the construction of an 80,000 square foot addition to Macy's, updating the exterior of Macy's store, as well as parking lot, stormwater, and landscaping improvements for the north side of the site.

Phase Two: The second phase consisted of the demolition of the then existing Macy's Men's and Home store and construction of an addition to the mall and a new 14,000 square foot anchor department store (Nordstrom). Phase Two also included a parking lot, stormwater, and landscaping improvements throughout the site.

Phase Three: The third phase consisted of three new, freestanding restaurants on the northwest side of the mall, as well as the final parking lot and landscaping improvements. Two of the three restaurant pads have been built and are currently occupied by Xfinity, Café Zupas, and iFly. One restaurant pad remains.

The plan did not address site or building improvements on the Sears site, the subject property.

- 1.04 On Feb. 8, 2021, the city council approved an amendment to the existing master development plan to allow façade improvements for Dick's Sporting Goods.
- 1.05 Darion Ziegler, on behalf of NELSON Worldwide, has submitted is proposing additional site and building improvements for Dick's House of Sport (Dick's Sporting Goods). The improvements include: (1) an outdoor athletic field on the west side of the tenant space; (2) storm water, pedestrian and parking lot improvements; (3) site landscaping; (4) an extension of the façade improvements to allow Dick's to occupy additional space within the former Sears tenant space; and (5) new exterior signs.

Section 2. Standards

2.01 This ordinance is based on the following findings:

1. The proposed plan is consistent with the goals and policies of the 2030 Comprehensive Plan as it pertains to the Ridgedale Village Center.
2. The proposed plans would allow for Dick's House of Sport to occupy additional space within a currently vacant anchor tenant space, while still allowing for a future tenant. The proposal would also allow for site and pedestrian improvements within the parking lot.

Section 3. Council Action.

3.01 Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans:
 - Site, grading, utility and drainage plans, dated Sept. 10, 2021
 - Landscaping plan, dated Sept. 10, 2021
 - Floor plans, dated Sept. 14, 2021
 - Elevations, dated Sept. 14, 2021

The above plans are hereby adopted as the master development plan for the subject property.

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. This ordinance is effective on the date of its adoption.

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: Oct. 18, 2021

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

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

Becky Koosman, City Clerk



**City Council Agenda Item 14A
Meeting of October 18, 2021**

Title: Resolution providing for the issuance and sale of \$10,000,000 General Obligation Utility Revenue Bonds, Series 2021A and establishing a pricing committee

Report From: Darin Nelson, Finance Director

Submitted through: Mike Funk, Acting City Manager
Will Manchester, P.E., Public Works Director

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

Summary Statement

The city is continuing with its water and sewer system improvement program that includes the periodic issuance of bonds. Staff is requesting the council approve the issuance and sale of \$10,000,000 General Obligation Utility Revenue bonds and establishing a pricing committee.

Recommended Action

Adopt the resolution authorizing the sale of General Obligation Utility Revenue Bonds, Series 2021A, in the maximum aggregate principal amount of \$10,000,000; fixing their form and specifications; directing their execution and delivery; providing for their payment; and establishing a pricing committee

Strategic Profile Relatability

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

Statement: Bonding for long-term assets ensures critical utility infrastructure remains in appropriate working order and ensures the utility fund maintains appropriate cash balances to finance operational and other pay-as-you-go capital expenses.

Financial Consideration

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

Statement: This bond issuance provides financing for the utility infrastructure improvements.

Subject: Resolution providing for the issuance and sale of \$10,000,000 General Obligation Utility Revenue Bonds, Series 2021A and establishing a pricing committee

Background

In 2014 and 2015, the council convened a number of study sessions regarding critical maintenance and reconstruction of the city's \$500 million water and sewer system assets, which has now grown to \$600 million. Subsequently, the council proactively adopted a long-term bonding and user rate plan to support the ongoing costs required to keep the aging systems in appropriate working order.

Under this plan, the city has sold \$27.5 million in General Obligation (G.O.) revenue bonds in 2015, 2016 and 2018, and annual debt service on the oldest of these bonds began in 2016. The next scheduled bond issuance is this year, which was planned for in both the 2021-2025 Capital Improvements Program (CIP) and the 2021 budget.

The city always seeks to meet its objectives regarding debt and secure the lowest cost for borrowing by securing bank qualification ("BQ") status whenever possible. In addition, actual progress of capital construction is closely monitored to only issue debt at appropriate intervals to ensure construction cost needs are met without "over" subscribing. Utility debt proceeds from the 2018 bonds were fully exhausted last year, and the current adopted CIP anticipates additional utility construction of \$15 million and \$8 million for 2021 and 2022, respectively. Financing for these CIP projects will be through a combination of debt and pay-as-you-go funding.

The cost of municipal bonding continues to be historically low. We are anticipating the interest rate of this 15-year debt issuance to be under 2 percent. For comparison purposes, the 2018 utility bond issuance has a true interest cost of 3 percent. All the prior utility bond issuances have been 20-year final maturities. Moving to a 15-year maturity reduces interest costs and reduces the long-term debt load of the utility fund.

The bond issuance process typically has the council approving the set sale date, and then about 30 days later at the sale date, bids are received during the day and the council approves the low bid at the council meeting that evening. The timing of the November council meetings is not ideal for issuing bonds in the financial market. Ideally, the bond sale date would be set for the council meeting date of Nov. 22. However, that is the week of the Thanksgiving holiday, which typically brings lower trading volume, potentially resulting in higher than anticipated interest rates.

To circumvent these timing issues, cities have begun to establish pricing committees appointed by the council. The pricing committee includes the Mayor, Acting City Manager, and the Finance Director, or any of their designees. The city's Municipal Advisor, Baker Tilly will be advising the pricing committee just as they would do for the entire council. The pricing committee has the authority to accept bond bids given the parameters of the bids are within a certain scope. In this case, the parameters include a principal amount not exceeding \$10 million and the true interest rate costs shall not exceed 2.00 percent. The pricing committee will meet on Nov. 30, which is the sale date, to award the sale of bonds to the purchaser.

Doug Green, the city's municipal advisor from Baker Tilly will be present at the council meeting to answer any additional questions. Also included is Baker Tilly's pre-sale summary report that provides information on the structure and guidelines of the bond issuance.

Resolution No. 2021-

Resolution authorizing the sale of General Obligation Utility Revenue Bonds, Series 2021A, in the maximum aggregate principal amount of \$10,000,000; fixing their form and specifications; directing their execution and delivery; providing for their payment; and establishing a pricing committee

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

Section 1. Sale of Bonds.

1.01. Authority.

(a) The City engineer has recommended the construction of various improvements to the City's water and sanitary sewer systems, including but not limited to distribution and collection, water storage, system equipment, capital system efficiency requirements and facilities and related street rehabilitation (the "Utility Improvements"), pursuant to Minnesota Statutes, Chapters 444 and 475, as amended (the "Act").

(b) It is necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Utility Revenue Bonds, Series 2021A (the "Bonds"), in the maximum aggregate principal amount of \$10,000,000, pursuant to the Act, in order to finance the construction of the Utility Improvements.

(c) The City is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The actions of the City staff and the City's municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

1.02. Pricing Committee. The City hereby establishes a pricing committee with respect to the Bonds comprised of the Mayor, the Acting City Manager, and the Finance Director of the City, or any or their designees (the "Pricing Committee"). The Pricing Committee is authorized and directed, with the advice of Baker Tilly Municipal Advisors, LLC (the "Municipal Advisor"), to review proposals for the sale of the Bonds in accordance with the Terms of Proposal attached hereto as EXHIBIT and based on the following parameters: (i) the principal amount of the Bonds shall not exceed \$10,000,000; and (ii) the true interest cost of the Bonds shall not exceed 2.000%. The City hereby approves the sale of the Bonds to the purchaser selected by the Pricing Committee (the "Purchaser") at the price, principal amount, and rates to be determined by the Pricing Committee.

1.03. Pricing Committee Certificate. The Pricing Committee shall meet on November 30, 2021, or on a different date selected by the Pricing Committee with the advice of the Municipal Advisor, to award the sale of the Bonds to the Purchaser. Upon approval of the sale of the Bonds to the Purchaser, the Pricing Committee shall complete and sign a certificate (the "Pricing Committee

Certificate”) in substantially the form set forth in EXHIBIT B attached hereto. City staff is authorized and directed to attach the Pricing Committee Certificate, when complete, to this resolution.

- 1.04. Purchase Contract. Any excess Bond proceeds shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Finance Director in consultation with the Municipal Advisor. The Finance Director is directed to deposit the good faith check or deposit of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith deposits of the unsuccessful proposers. The Mayor and the Acting City Manager are directed to execute a contract with the Purchaser on behalf of the City.
- 1.05. Terms, Interest Rates, and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, originally dated December 30, 2021, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as determined by the Pricing Committee, and maturing on the dates and in the amounts as determined by the Pricing Committee.
- 1.06. Optional Redemption. The City may elect on February 1, 2031, and on any day thereafter to prepay Bonds due on or after February 1, 2032. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7.01 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.
- 1.07. Mandatory Redemption; Term Bonds. The Bonds may be subject to mandatory sinking fund redemption if so requested by the Purchaser and approved by the Pricing Committee.

Section 2. Registration and Payment.

- 2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.
- 2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds shall be payable on each February 1 and August 1, commencing August 1, 2022, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar" and the "Paying Agent"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes and payments so made to registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver any new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for a Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints Wells Fargo Bank, National Association, Minneapolis, Minnesota, as the initial Registrar. The Mayor and the City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of the Council, the Finance Director must transmit to the Registrar monies sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the Finance Director and executed on behalf of the City by the signatures of the Mayor and the Acting City Manager, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution,

a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the Finance Director will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Bond.

- 3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form as attached hereto as EXHIBIT C.
- 3.02. Approving Legal Opinion. The Finance Director is directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, and to cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

- 4.01. Debt Service Fund. The Bonds are payable from the General Obligation Utility Revenue Bonds, Series 2021A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will continue to maintain and operate its Water Fund and Sanitary Sewer Fund to which will be credited all gross revenues of the water system and sanitary sewer system, respectively, and out of which will be paid all normal and reasonable expenses of current operations of such systems. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Debt Service Fund, which Debt Service Fund will be used only to pay principal of and interest on the Bonds and any other bonds similarly authorized. There will always be retained in the Debt Service Fund a sufficient amount to pay principal of and interest on all the Bonds, and the Finance Director must report any current or anticipated deficiency in the Debt Service Fund to the Council. There is also appropriated to the Debt Service Fund excess Bond proceeds, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.04 hereof.
- 4.02. Construction Fund. The City hereby creates the General Obligation Utility Revenue Bonds, Series 2021A Construction Fund (the "Construction Fund"). Proceeds of the Bonds, less the appropriations made in Section 4.01 hereof, will be deposited in the Construction Fund to be used solely to defray expenses of the Project. When the Project is completed and the cost thereof paid, the Construction Fund is to be closed and any funds remaining may be deposited in the Debt Service Fund.

- 4.03. City Covenants. The Council covenants and agrees with the holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:
- (a) The City will continue to maintain and efficiently operate the water system and sanitary sewer system as public utilities and conveniences free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the Water Fund and Sanitary Sewer Fund, respectively, as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.
 - (b) The City will also maintain the Debt Service Fund as a separate account and will cause money to be credited thereto from time to time, out of Net Revenues from the water system and sanitary sewer system in sums sufficient to pay principal of and interest on the Bonds when due.
 - (c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the water system and the sanitary sewer system and which will be open to inspection and copying by any Bondholder, or the Bondholder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all Bondholders upon request.
 - (d) The Council will cause persons handling revenues of the water system and sanitary sewer system to be bonded in reasonable amounts for the protection of the City and the Bondholders and will cause the funds collected on account of the operations of such systems to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.
 - (e) The Council will keep the water system and sanitary sewer system insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders, from time to time, of the Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.
 - (f) The City and each and all of its officers will punctually perform all duties with reference to the water system and sanitary sewer system as required by law.
 - (g) The City will impose and collect charges of the nature authorized by Section 444.075 of the Act, at the times and in the amounts required to produce Net Revenues adequate to pay all principal and interest when due on the Bonds and to create and maintain such reserves securing said payments as may be provided in this resolution.
 - (h) The Council will levy general ad valorem taxes on all taxable property in the City when required to meet any deficiency in Net Revenues.

- 4.04. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.
- 4.05. Debt Service Coverage. It is hereby determined that the estimated collection of Net Revenues from the water system and sanitary sewer system of the City for the payment of principal and interest on the Bonds will produce at least five percent (5%) in excess of the amount needed to meet, when due, the principal and interest payments on the Bonds and that no tax levy is needed at this time.
- 4.06. Filing of Resolution. The Acting City Manager is authorized and directed to file a certified copy of this resolution, including the executed Pricing Committee Certificate, with the Taxpayer Services Division Manager of Hennepin County, Minnesota, and to obtain the certificate required by Section 475.63 of the Act.
- Section 5. Authentication of Transcript.
- 5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, may be deemed representations of the City as to the facts stated therein.
- 5.02. Certification as to Official Statement. The Mayor, the Acting City Manager, and the Finance Director are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.
- 5.03. Other Certificates. The Mayor, the Acting City Manager, and the Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, the Acting City Manager, and the Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04. Electronic Signatures. The electronic signature of the Mayor, the Acting City Manager, the Finance Director, and/or the City Clerk to this resolution, the Pricing Committee Certificate, and any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means a manually signed original signature that is then transmitted by electronic means; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments and limitations on amounts invested at a yield greater than the yield on the Bonds.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. The Bonds are hereby deemed to be "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, because the City determines that:

(a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(b) the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2021 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2021 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. The Depository Trust Company. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities as determined by the Pricing Committee and set forth in the Pricing Committee Certificate. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

- 7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which shall govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.
- 7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.
- 7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.
- Section 8. Continuing Disclosure.
- 8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and the Acting City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.
- 8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.
- Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full

faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 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 Oct. 18, 2021.

Becky Koosman, City Clerk

EXHIBIT A**TERMS OF PROPOSAL**

THE CITY HAS AUTHORIZED BAKER TILLY MUNICIPAL ADVISORS, LLC TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$10,000,000*

CITY OF MINNETONKA, MINNESOTA

GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2021A

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the "Bonds") will be received by the City of Minnetonka, Minnesota (the "City") on Tuesday, November 30, 2021 (the "Sale Date") until 10:00 A.M., Central Time (the "Sale Time") at the offices of Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), 225 South 6th Street, Suite 2300, Minneapolis, Minnesota, 55402, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the Pricing Committee with Authority delegated by the City Council immediately following the opening of proposals.

SUBMISSION OF PROPOSALS

Baker Tilly MA will assume no liability for the inability of a bidder or its proposal to reach Baker Tilly MA prior to the Sale Time, and neither the City nor Baker Tilly MA shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding.** Completed, signed proposals may be submitted to Baker Tilly MA by email to bondservice@bakertilly.com or by fax (651) 223-3046, and must be received prior to the Sale Time.

OR

(b) **Electronic Bidding.** Proposals may also be received via PARITY[®]. For purposes of the electronic bidding process, the time as maintained by PARITY[®] shall constitute the official time with respect to all proposals submitted to PARITY[®]. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY[®] for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents, nor PARITY[®] shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY[®] shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY[®]. The City is using the services of PARITY[®] solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY[®] is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY[®], this Terms of Proposal shall control. Further information about PARITY[®], including any fee charged, may be obtained from:

PARITY[®], 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

* *Preliminary; subject to change.*

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly US, LLP, an accounting firm. Baker Tilly US, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2021 Baker Tilly Municipal Advisors, LLC.

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on February 1 and August 1 of each year, commencing August 1, 2022. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature February 1 in the years and amounts* as follows:

2023	\$575,000	2026	\$625,000	2029	\$665,000	2032	\$690,000	2035	\$720,000
2024	\$600,000	2027	\$640,000	2030	\$670,000	2033	\$695,000	2036	\$730,000
2025	\$615,000	2028	\$650,000	2031	\$680,000	2034	\$705,000	2037	\$740,000

* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the City for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the proposal form.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the "Purchaser"), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR

Wells Fargo Bank, National Association will serve as registrar for the Bonds. The City will pay for the services of the registrar.

OPTIONAL REDEMPTION

The City may elect on February 1, 2031, and on any day thereafter, to redeem Bonds due on or after February 1, 2032. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the City will pledge net revenues of the City's water utility and sanitary sewer utility funds for repayment of the Bonds. The proceeds of the Bonds will be used to finance various water and sanitary sewer system improvements.

BANK QUALIFIED TAX-EXEMPT OBLIGATIONS

The City will designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BIDDING PARAMETERS

Proposals shall be for not less than \$10,000,000 (Par) plus accrued interest, if any, on the total principal amount of the Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

ESTABLISHMENT OF ISSUE PRICE

In order to provide the City with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Purchaser will be required to assist the City in establishing the issue price of the Bonds and shall complete, execute, and deliver to the City prior to the closing date, a written certification in a form acceptable to the Purchaser, the City, and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the "public" (as said term is defined in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by Baker Tilly MA.

The City intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a "competitive sale" as defined in the Regulation based on the following:

- (i) the City shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the City reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the City anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See "AWARD" herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a “competitive sale” are not satisfied, the City shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Purchaser shall advise the City and Baker Tilly MA if 10% of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which it was sold. The City will treat such sale price as the “issue price” for such maturity, applied on a maturity-by-maturity basis. The City will not require the Purchaser to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises such option, the City will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the City and Baker Tilly MA the prices at which 10% of such maturities are sold to the public; provided such determination shall be made and the City and Baker Tilly MA notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit via wire transfer to the City in the amount of \$100,000 (the “Deposit”) no later than 1:00 P.M., Central Time on the Sale Date. The Purchaser shall be solely responsible for the timely delivery of its Deposit, and neither the City nor Baker Tilly MA have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Baker Tilly MA following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the City and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

CUSIP NUMBERS

If the Bonds qualify for the assignment of CUSIP numbers such numbers will be printed on the Bonds; however, neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. Baker Tilly MA will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about December 30, 2021, the Bonds will be delivered without cost to the Purchaser through DTC in New York, New York. Delivery will be subject to receipt by the Purchaser of an approving legal opinion of Kennedy & Graven, Chartered of Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the Purchaser shall be liable to the City for any loss suffered by the City by reason of the Purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

In accordance with SEC Rule 15c2-12(b)(5), the City will undertake, pursuant to the resolution awarding sale of the Bonds, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Official Statement. The Purchaser's obligation to purchase the Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Bonds.

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the City, Baker Tilly Municipal Advisors, LLC, by telephone (651) 223-3000, or by email bondservice@bakertilly.com. The Preliminary Official Statement will also be made available at <https://connect.bakertilly.com/bond-sales-calendar>.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide to the Purchaser an electronic copy of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the City, (i) it shall accept designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated October 18, 2021

BY ORDER OF THE CITY COUNCIL

/s/ Becky Koosman
City Clerk

EXHIBIT B**FORM OF PRICING COMMITTEE CERTIFICATE**

\$ _____
 City of Minnetonka, Minnesota
 General Obligation Utility Revenue Bonds
 Series 2021A

CERTIFICATE OF PRICING COMMITTEE

November ____, 2021

On behalf of the City of Minnetonka, Minnesota (the "City"), the undersigned hereby certify in connection with the issuance and sale of the General Obligation Utility Revenue Bonds, Series 2021A (the "Bonds"), in the original aggregate principal amount of \$ _____, as follows:

1. Authorization. Pursuant to a resolution adopted by the City Council of the City on October 18, 2021 (the "Resolution"), the City established a pricing committee consisting of the Mayor, the Acting City Manager, and the Finance Director, or any of their designees (the "Pricing Committee"). The Pricing Committee was authorized to act as the authorized representatives of the City with respect to the sale of the Bonds and to make such determinations, approvals, authorizations, and consents and to take such other actions on behalf of the City as provided in the Resolution, with the advice of Baker Tilly Municipal Advisors, LLC, the municipal advisor to the City. Such authorization has not been revoked, withdrawn, or otherwise modified.

2. Duties. The Pricing Committee is to participate in the pricing of the Bonds and approve the terms of the Bonds. The Bonds are to be awarded by the Pricing Committee on behalf of the City, based on the conformity of the proposals with the parameters and terms set forth in Section 1.02 of the Resolution.

3. Award and Terms. The bids received by the City are set forth in ATTACHMENT A attached hereto and are in accordance with the official terms of proposal. In accordance with applicable terms of the Resolution, the Pricing Committee has approved the sale of the Bonds to _____ (the "Purchaser") at a purchase price of \$ _____ (par amount of \$ _____, [plus original issue premium of \$ _____,] [less original issue discount of \$ _____,] less an underwriter's discount of \$ _____). The Pricing Committee has agreed with the Purchaser to the following terms of the Bonds:

(a) The original aggregate principal amount of the Bonds is \$ _____, which is equal to or less than the maximum of \$10,000,000.

(b) The Bonds shall be payable on the dates, in the amounts, and at the rates set forth in ATTACHMENT B attached hereto.

(c) The true interest cost of the Bonds is _____%, which is less than or equal to 2.000%.

(d) The date of original issue of the Bonds is December 30, 2021.

5. [IF TERM BONDS ARE REQUESTED BY THE PURCHASER: Mandatory Redemption. The Bonds maturing on February 1, 20__ and February 1, 20__ shall hereinafter be referred to collectively as the "Term Bonds." The principal amounts of the Term Bonds subject to mandatory sinking fund redemption on any date may be reduced through earlier optional redemptions, with any partial redemptions of the Term Bonds credited against future mandatory sinking fund redemptions of such Term Bonds in such order as the City shall determine. The Term Bonds are subject to mandatory sinking fund redemption and shall be redeemed in part at par plus accrued interest on February 1 of the following years and in the principal amounts as follows:]

<u>Sinking Fund Installment Date</u>	<u>Principal Amount</u>
--------------------------------------	-------------------------

<u>February 1, 20__ Term Bonds</u>	
------------------------------------	--

* *Maturity*

<u>February 1, 20__ Term Bonds</u>	
------------------------------------	--

* *Maturity*

5. Defined Terms. Capitalized terms used herein that are otherwise not defined shall have the meanings assigned to such terms in the Resolution.

IN WITNESS WHEREOF, the undersigned members of the Pricing Committee have executed this Certificate of Pricing Committee as of the date and year first written above.

PRICING COMMITTEE

By _____
Its Mayor, or designee

By _____
Its Acting City Manager, or designee

By _____
Its Finance Director, or designee

ATTACHMENT A TO PRICING COMMITTEE CERTIFICATE
BID TABULATION

ATTACHMENT B TO PRICING COMMITTEE CERTIFICATE

MATURITY SCHEDULE

The Bonds shall bear interest at the rates per annum set forth below and shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Rate</u>	<u>Amount</u>	<u>Year</u>	<u>Rate</u>	<u>Amount</u>
	%	\$		%	\$

EXHIBIT C**FORM OF BOND**

No. R-_____ \$_____

UNITED STATES OF AMERICA
 STATE OF MINNESOTA
 COUNTY OF HENNEPIN
 CITY OF MINNETONKA

GENERAL OBLIGATION UTILITY REVENUE BOND
 SERIES 2021A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20__	December 30, 2021	

Registered Owner: CEDE & CO.

The City of Minnetonka, Minnesota, a duly organized and existing municipal corporation in Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of \$_____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360-day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing August 1, 2022, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Wells Fargo Bank, National Association, Minneapolis, Minnesota, as Bond Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on February 1, 2031, and on any day thereafter to prepay Bonds due on or after February 1, 2032. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of \$_____ all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, all issued pursuant to a resolution adopted by the City Council on

October 18, 2021, and a Pricing Committee Certificate, dated November ____, 2021 (together, the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain improvements to the water system and sanitary sewer system of the City, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapters 444 and 475, as amended. The principal hereof and interest hereon are payable from net revenues of the City's water system and sanitary sewer system, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency in net revenues pledged, which taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The City Council has deemed designated the issue of Bonds of which this Bond forms a part as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED That in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the water system and sanitary sewer system free from competition by other like municipal utilities; that adequate insurance on said systems and suitable fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing all receipts and disbursements relating to the Water Fund and the Sanitary Sewer Fund, into which it will pay all of the gross revenues from the water system and sanitary sewer system, respectively; that it will also create and maintain a General Obligation Utility Revenue Bonds, Series 2021A Debt Service Fund, into which it will pay, out of the net revenues from the water system and sanitary sewer system a sum sufficient to pay principal of the Bonds and interest on the Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the water system and sanitary sewer system.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the charter and the Constitution and laws of the State of Minnesota, to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in

accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional, charter, or statutory limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Minnetonka, Hennepin County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and Acting City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: December 30, 2021

CITY OF MINNETONKA, MINNESOTA

(Facsimile)
Mayor

(Facsimile)
Acting City Manager

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

WELLS FARGO BANK, NATIONAL ASSOCIATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT
Custodian
(Cust) (Minor)

TEN ENT -- as tenants by entireties

under Uniform Gifts or Transfers to
Minors Act, State of

JT TEN -- as joint tenants with right of
survivorship and not as tenants in
common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
_____	Cede & Co. Federal ID #13-2555119	_____

City of Minnetonka, Minnesota Pre-Sale Summary for Issuance of Bonds

\$10,000,000 General Obligation Utility Revenue Bonds, Series 2021A

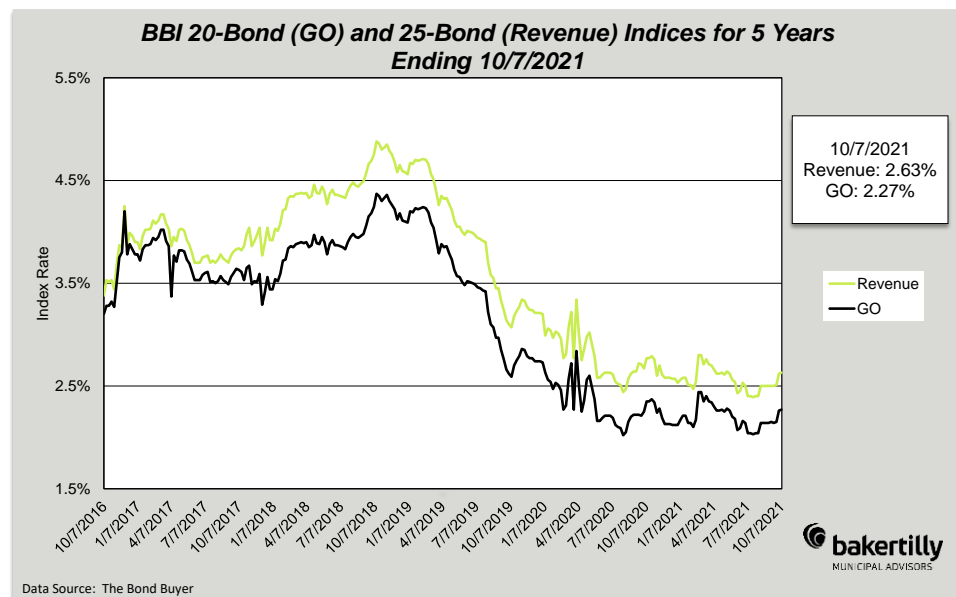
The City Council has under consideration the issuance of bonds to fund various utility improvement projects within the City (the “Bonds”). This document provides information relative to the proposed issuance.

KEY EVENTS: The following summary schedule includes the timing of key events that will occur relative to the bond issuance:

October 18, 2021	Council sets sale date and terms; established Pricing Committee
Week of November 15, 2021	Rating conference is conducted
November 30, 2021, 10:00 a.m.	Competitive proposals are received
November 30, 2021	Pricing Committee considers award of the Bonds
December 30, 2021	Proceeds are received

RATING: An application will be made to Moody’s Investors Service (Moody’s) for a rating on the Bonds. The City’s general obligation debt is currently rated “Aaa” by Moody’s.

THE MARKET: Performance of the tax-exempt market is often measured by the Bond Buyer’s Index (“BBI”) which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds rated Aa2 by Moody’s or AA by S&P (the BBI 20-Bond GO Index) and the 30th year for revenue bonds rated A1 by Moody’s or A+ by S&P (the BBI 25-Bond Revenue Index). The following chart illustrates these two indices over the past five years:



PURPOSE: Proceeds of the Bonds will be used to finance the construction of improvements to the City's Water System and Sanitary Sewer System, including, but not limited to, distribution and collection, water storage, system equipment, capital system efficiency requirements and facilities and related rehabilitation.

AUTHORITY: Statutory Authority: The Bonds are being issued pursuant to Minnesota Statutes, Chapters 444 and 475.

Statutory Requirements: Pursuant to Minnesota Statutes, Chapter 444 and the resolution awarding the Bonds, the City will covenant to maintain rates in an amount sufficient to generate revenues to support the operation of the City's Water and Sanitary Sewer systems (the "Utility Funds") and to pay debt service. The City currently has three outstanding obligations for which the net revenues of the Utility Funds are pledged to pay all or a portion of these obligations. The maximum annual debt service payable from the Utility Funds, including the Bonds at 105%, is projected to be \$2,693,653. Pursuant to Minnesota Statutes, Chapter 444 and the resolution awarding the Utility Portion of the Bonds, the City will covenant to maintain rates in an amount sufficient to generate revenues to support the operation of the City's Water, Sewer and Storm Sewer systems (the "Utility Funds") and to pay debt service. The City currently has seven outstanding obligations for which the net revenues of the Utility Funds are pledged to pay all or a portion of these obligations. The maximum annual debt service payable from the Utility Funds, including the Bonds at 105%, is projected to be \$915,688 (excluding the 2012 Metropolitan Council Loan).

PARAMETER LIMITS: Pursuant to the Resolution considered by the Council on October 18, 2021, the authority to award the sale of the Bonds has been delegated to the City's Mayor, the City Manager, and the Finance Director, who are authorized to award the Bonds on the day of sale or pricing subject to the following parameters:

- the principal amount of the Bonds may not exceed \$10,000,000 excluding the amount of any premium received and,
- the true interest cost (TIC) may not exceed 2.00%.

SECURITY AND SOURCE OF PAYMENT: The Bonds will be a general obligation of the City, secured by its full faith and credit and taxing power. Net revenues of the City's Utility Funds will be used to pay debt service on the Bonds as it comes due.

STRUCTURING SUMMARY: In consultation with City Staff, the Bonds have been structured to provide approximately even annual debt service requirements over a term of 15 years.

SCHEDULES ATTACHED: Attached schedules include sources and uses of funds and estimated debt service schedules, given the current interest rate environment.

RISKS/SPECIAL CONSIDERATIONS: The outcome of this financing will rely on the market conditions at the time of the sale. Any projections included herein are estimates based on current market conditions.

The Bonds have been structured to result in additional proceeds generated from a par bid. There is no guaranty that the winning bidder will price this issue with a premium in the amount estimated, which could result in less or more additional proceeds than what is currently shown in the attached schedules.

**SALE TERMS AND
MARKETING:**

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue size and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale.

Prepayment Provisions: Bonds maturing on or after February 1, 2032 may be prepaid at a price of par plus accrued interest on or after February 1, 2021.

Bank Qualification: The City does not expect to issue more than \$10 million in tax-exempt obligations that count against the \$10 million limit for this calendar year; therefore, the Bonds are designated as bank qualified.

Premium/Unused Discount: As a result of pricing the Bonds, additional proceeds may be produced either from reoffering premium on the Bonds, or from the purchaser's compensation being lower than that of the preliminary structure. It has been determined that the City may accept premium to the extent that it desires, resulting from the sale of the Bonds. Any amount of proceeds in excess of \$10 million, if any, may be kept by the City, to the extent that it is not in conflict with the awarding parameters defined in the Parameters Resolution and will be determined on or before the day of sale.

Post Issuance Compliance

**POST ISSUANCE
COMPLIANCE:**

The issuance of the Bonds will result in post-issuance compliance responsibilities. The responsibilities are in two primary areas: (i) compliance with federal arbitrage requirements and (ii) compliance with secondary disclosure requirements.

Federal arbitrage requirements include a wide range of implications that have been taken into account as this issue has been structured. Post-issuance compliance responsibilities for this tax-exempt issue include both rebate and yield restriction provisions of the IRS Code. In general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. Under certain circumstances any "excess earnings" will need to be paid to the IRS to maintain the tax-exempt status of the Bonds. Any interest earnings on gross bond proceeds or debt service funds should not be spent until it has been determined based on actual facts that they are not "excess earnings" as defined by the IRS Code.

The arbitrage rules provide for spend-down exceptions for proceeds that are spent within either a 6-month, 18-month or, for certain construction issues, a 24-month period each in accordance with certain spending criteria. Proceeds that qualify for an exception will be exempt from rebate. These exceptions are based on actual expenditures and not based on reasonable expectations, and expenditures, including any investment proceeds will have to meet the spending criteria to qualify for the exclusion. The City expects to meet the 18-month spending exception.

Regardless of whether the issue qualifies for an exemption from the rebate provisions, yield restriction provisions will apply to Bond proceeds (including interest earnings) unspent after three years and the debt service fund throughout the term of the Bonds. These moneys should be monitored until the Bonds are retired.

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the City to commit to providing the information needed to comply under a continuing disclosure agreement.

Baker Tilly Municipal Advisors (“Baker Tilly”) currently provides both arbitrage and continuing disclosure services to the City. Baker Tilly will work with City staff to include the Bonds under the existing Agreement for Municipal Advisor Services.

**SUPPLEMENTAL
INFORMATION AND
BOND RECORD:**

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Upon completion of the financing, a bond record will be provided that contains pertinent documents and final debt service calculations for the transaction.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly US, LLP, an accounting firm. Baker Tilly US, LLP trading as Baker Tilly, is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2021 Baker Tilly Municipal Advisors, LLC.

Sources & Uses

Dated 12/30/2021 | Delivered 12/30/2021

Sources Of Funds

Par Amount of Bonds.....	\$10,000,000.00
Reoffering Premium.....	171,522.95

Total Sources..... \$10,171,522.95

Uses Of Funds

Deposit to Project Construction Fund.....	10,004,522.95
Total Underwriter's Discount (1.000%).....	100,000.00
Costs of Issuance.....	67,000.00

Total Uses..... \$10,171,522.95

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	105% D/S	Annual Total
12/30/2021	-	-	-	-	-	-
08/01/2022	-	-	96,624.81	96,624.81	101,456.05	-
02/01/2023	575,000.00	2.000%	82,428.75	657,428.75	690,300.19	791,756.24
08/01/2023	-	-	76,678.75	76,678.75	80,512.69	-
02/01/2024	600,000.00	2.000%	76,678.75	676,678.75	710,512.69	791,025.38
08/01/2024	-	-	70,678.75	70,678.75	74,212.69	-
02/01/2025	615,000.00	2.000%	70,678.75	685,678.75	719,962.69	794,175.38
08/01/2025	-	-	64,528.75	64,528.75	67,755.19	-
02/01/2026	625,000.00	2.000%	64,528.75	689,528.75	724,005.19	791,760.38
08/01/2026	-	-	58,278.75	58,278.75	61,192.69	-
02/01/2027	640,000.00	2.000%	58,278.75	698,278.75	733,192.69	794,385.38
08/01/2027	-	-	51,878.75	51,878.75	54,472.69	-
02/01/2028	650,000.00	2.000%	51,878.75	701,878.75	736,972.69	791,445.38
08/01/2028	-	-	45,378.75	45,378.75	47,647.69	-
02/01/2029	665,000.00	1.050%	45,378.75	710,378.75	745,897.69	793,545.38
08/01/2029	-	-	41,887.50	41,887.50	43,981.88	-
02/01/2030	670,000.00	1.150%	41,887.50	711,887.50	747,481.88	791,463.75
08/01/2030	-	-	38,035.00	38,035.00	39,936.75	-
02/01/2031	680,000.00	1.250%	38,035.00	718,035.00	753,936.75	793,873.50
08/01/2031	-	-	33,785.00	33,785.00	35,474.25	-
02/01/2032	690,000.00	1.350%	33,785.00	723,785.00	759,974.25	795,448.50
08/01/2032	-	-	29,127.50	29,127.50	30,583.88	-
02/01/2033	695,000.00	1.450%	29,127.50	724,127.50	760,333.88	790,917.75
08/01/2033	-	-	24,088.75	24,088.75	25,293.19	-
02/01/2034	705,000.00	1.550%	24,088.75	729,088.75	765,543.19	790,836.38
08/01/2034	-	-	18,625.00	18,625.00	19,556.25	-
02/01/2035	720,000.00	1.600%	18,625.00	738,625.00	775,556.25	795,112.50
08/01/2035	-	-	12,865.00	12,865.00	13,508.25	-
02/01/2036	730,000.00	1.700%	12,865.00	742,865.00	780,008.25	793,516.50
08/01/2036	-	-	6,660.00	6,660.00	6,993.00	-
02/01/2037	740,000.00	1.800%	6,660.00	746,660.00	783,993.00	790,986.00
Total	\$10,000,000.00	-	\$1,324,046.06	\$11,324,046.06	\$11,890,248.36	-

SIGNIFICANT DATES

Dated.....	12/30/2021
Delivery Date.....	12/30/2021
First Coupon Date.....	8/01/2022

Yield Statistics

Bond Year Dollars.....	\$83,901.11
Average Life.....	8.390 Years
Average Coupon.....	1.5781031%
Net Interest Cost (NIC).....	1.4928564%
True Interest Cost (TIC).....	1.4858543%
Bond Yield for Arbitrage Purposes.....	1.3581382%
All Inclusive Cost (AIC).....	1.5724032%

IRS Form 8038

Net Interest Cost.....	1.3619070%
Weighted Average Maturity.....	8.320 Years

Interest rates are estimates. Changes in rates may cause significant alterations to this schedule. The actual underwriter's discount bid may also vary.

2021A GO Utility Rev Bond | SINGLE PURPOSE | 9/27/2021 | 5:04 PM



**City Council Agenda Item 14B
Meeting of October 18, 2021**

Title: Ordinances pertaining to definitions and lot shape
Report From: Susan Thomas, AICP, Assistant City Planner
Submitted through: Mike Funk, Acting City Manager
Julie Wischnack, AICP, Community Development Director

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

Summary Statement

Staff is proposing amendments to the zoning and subdivision ordinances. The definition ordinance amendment is intended to reflect historical city practice and provide more precise direction to staff, property owners, and developers. The subdivision ordinance amendment addresses concerns raised by staff, planning commissioners, and councilmembers during the review of recent subdivision applications.

Recommended Action

Staff recommends the council adopt the ordinances.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Statement: N/A

Planning Commission Consideration

The planning commission discussed the draft ordinances on [Sept. 30, 2021](#). (Minutes are attached) On a 6-0 vote, the commission recommended the city council adopt the ordinances.

MINNETONKA PLANNING COMMISSION
Sept. 30, 2021

Brief Description	Ordinances regarding definitions and lot shape
Recommendation	Recommend the city council adopt the ordinance.

Staff is proposing several “housekeeping” amendments to the zoning definitions and subdivision ordinances.

Definitions Ordinance.

The definition ordinance amendment is intended to reflect historical city practice and to provide more precise direction to staff, property owners, and developers.

- Rear lot line. The current definition works well for standard-shaped lots but is problematic for irregularly shaped lots. Staff proposes adding language specifically allowing the city planner to designate the rear lot line on uniquely configured lots based on the existing development pattern and surrounding neighborhood.
- Lot width at right-of-way. The current definition does not suggest how lot width at right-of-way is measured along curvilinear front property lines. Staff is proposing language that specifically notes the distance is measured along the right-of-way regardless of the shape of the right-of-way.
- Lot width at setback. The existing definition of lot width at setback has been challenged in the courts as ambiguous, although both a diagram in the zoning code and the city’s historic practice support the city’s interpretation. No substantive change to the ordinance is proposed. Staff recommends additional language and an updated diagram to clarify the measurement methodology for cul-de-sac lots.
- Steep slopes. The current ordinance definitions related to steep slopes are cumbersome. They are difficult to interpret and explain and frequently result in steep slope locations/areas that are not intuitive to staff, property owners, or developers. Neither do the definitions allow staff to recognize or exclude areas based on unique, on-site circumstances. Staff is proposing updated language to clarify and to provide flexibility. The new language would generally result in increased slope protection.

Subdivision Ordinance.

The subdivision ordinance amendment addresses concerns raised by staff, planning commissioners, and councilmembers during the review of recent subdivision applications.

- Staff is proposing new language in the ordinance to ensure proposed lots are more “regularly” shaped. Specifically, the language would prevent applicants from using oddly deflecting property lines, very narrow or very deep areas, or other obvious design devices for the sole purpose of achieving minimum lot areas or dimensions.

Staff Recommendation

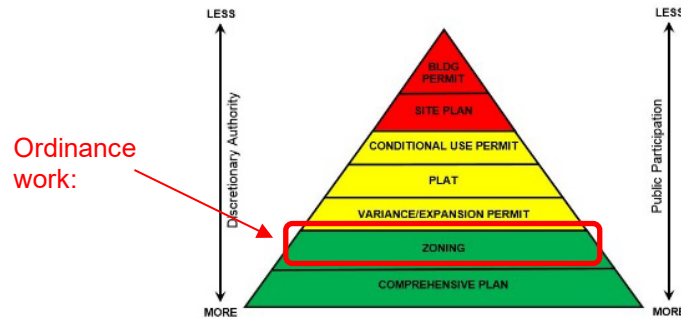
Recommend the city council adopt the ordinances regarding definitions and lot shape.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Support the proposed ordinance. In this case, a motion should be made to recommending the city council approve the ordinances.
2. Disagree with some or all of the ordinance. In this case, a motion should be made denying some or all portions of the ordinances.
3. Table consideration. In this case, a motion should be made to table the item. The motion should include a statement as to why the ordinance consideration is being tabled with direction to staff regarding the preparation of different ordinance options or language.

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.

Deadline for Action

N/A. There is no deadline for action on an ordinance amendment proposed by the city.

8. Public Hearings

A. **Ordinance regarding definitions and lot shape.**

Acting Chair Hanson introduced the proposal and called for the staff report.

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

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

Waterman found the proposed ordinance amendment straightforward. The housekeeping changes make sense. He agrees with the changes and promotion of regular-shaped lots as long as a variance could be approved when needed to protect natural features. He appreciates the steep-slope clarification.

Henry moved, second by Powers, to recommend that the city council adopt the ordinance amendment regarding definitions and lot shape.

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

This item is scheduled to be reviewed by the city council on Oct. 18, 2021.

B. **Ordinance regarding tree protection.**

Acting Chair Hanson introduced the proposal and called for the staff report.

Thomas, Yetka, Gordon and Wischnack reported. They recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Henry's question, Gordon explained how a survey was utilized to collect input from residents who were given six weeks to respond. A month is a good length of time for a deadline to receive comments since a majority of people tend to forget the request after a few weeks.

Wischnack noted that, as shown in the staff report, 29 percent of the 2,071 subscribers to the city council, planning commission, and sustainability commission packets and 37 percent of the 7,065 emails sent to subscribers of the Natural Resources News and Events, Sustainable Minnetonka, and Latest News opened and read the agenda packet for the meeting. The survey will be open and accepting comments until the city council meeting, and 96 residents have already taken the survey.

Henry noted that many survey respondents favor protecting Minnetonka's tree canopy and support tree protection ordinances that would require more tree preservation than the proposed changes to the tree protection ordinance.

Ordinance No. 2021-

**An ordinance amending city code section 300.02,
regarding zoning ordinance definitions**

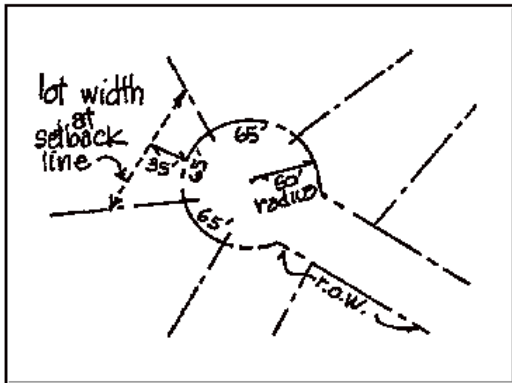
The City Of Minnetonka Ordains:

Section 1. Section 300.02, under Zoning Regulations, is amended as follows:

For the purpose of this ordinance, certain terms and words are defined as follows:

27. "Cul-de-sac" - a street with a single means of ingress and egress and having a turnaround at its end for safe and convenient reversal of traffic. (Figure 4)

Figure 4



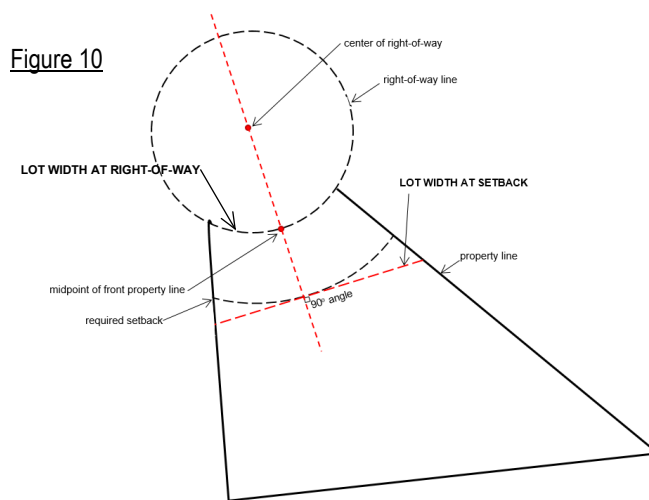
79. "Lot line, rear" - the lot line opposite and most distant from the front lot line. In the case of corner lots and uniquely configured lots, the rear lot line will be determined by the city planner or their designee at the time of preliminary plat, issuance of a building permit, or other resident request. Such determination will be based upon characteristics of the existing development pattern and surrounding neighborhood. (Figure 9)

80. "Lot width at right-of-way" - the horizontal distance between side lot lines as measured ~~at~~ along the public road right-of-way. This distance is measured along the right-of-way regardless of the shape of the right-of-way. See Figure 10.

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

81. “Lot width at setback” - the horizontal distance between side lot lines as measured at the along the minimum required front yard setback established by this ordinance, and generally perpendicular to the front property line, as determined by the city planner or their designee.

In the case of lots with frontage located only on a cul-de-sac bulb, lot width at setback is established as follows: Find the center of the right-of-way and the midpoint of the front property line. Extend a straight line through the right-of-way center, the midpoint of the front property line, and the required front yard setback as outlined by the zoning ordinance. The width measurement is taken between side property lines, at the required setback, perpendicular to this straight line. See example illustrated by Figure 10.



140. “Slope, toe of” - the lower point lowest topographic contour of a 50-foot segment with an average slope of at least 20 percent

141. “Slope, top of” - the higher point highest topographic contour of a 50-foot segment with an average slope of at least 20 percent.

142. “Steep slope” - a slope that has an average grade of 20 percent or more, that covers an area at least 100 feet in width (side to side), except that the 100 feet width does not apply in the shoreland zoning district, and that rises at least 25 feet above the toe of the slope. The average grade of a steep slope will be measured between the toe and the top of the slope. slope that: (1) rises at least 20 feet between toe and top of the slope; (2) has an average grade of 20 percent as measured between toe and top of slope; and (3) has been field verified and located by city staff. In verifying and locating steep slopes, staff may consider site factors such as soil types, vegetation coverage, anticipated erosion issues, technical reports and studies, or other items staff considers pertinent for the protection of the slope.

Section 2. Figure 4 is eliminated, and all subsequent figures are renumbered accordingly.

Section 3. This ordinance is effective upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 18, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: July 26, 2021

Date of adoption: Oct. 18, 2021

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 Oct. 18, 2021.

Becky Koosman, City Clerk

Ordinance No. 2021-

**An ordinance amending city code section 400
regarding subdivisions**

The City of Minnetonka Ordains:

Section 1. Section 400, Subdivision Regulations, is amended as follows:

SECTION 400.030. DESIGN STANDARDS.

In evaluating a subdivision, the city will consider its compliance with the following standards:

1. General Standards

- a) The preliminary plat must incorporate all contiguous property held under common ownership. The final plat may cover only a portion of the preliminary plat, provided it is in compliance with the preliminary plat and other standards of this ordinance.
- b) The plat must take into consideration access to existing streets and future extension of streets where appropriate.
- c) All lots within the plat must be regularly, compactly, and intuitively shaped, with side property lines generally arranged at right angles or radial, to front property lines. A lot is not considered regularly, compactly and intuitively shaped if oddly deflecting property lines, very narrow or very deep areas, or other obvious design devices are used for the sole purpose of achieving minimum lot areas or dimensions required by this ordinance.
- d) All lots within the plat must have frontage on the public right-of-way from which the lot will have access.
- ~~e)~~ All registered land surveys in the city must be presented in the form of a preliminary plat in accordance with the standards set forth in this ordinance for preliminary plats. Unless plat approval has been received in accordance with the standards and process set forth in this ordinance, building permits will be withheld for buildings on tracts which have been subdivided

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

by registered land surveys and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

6. Lot Standards.

c) In all zoning districts:

1) All lots must have a minimum of 30 feet in width at the rear lot line.

~~2) Side lot lines must be substantially at right angles or radial to the street lines.~~

32) Double-frontage, or lots that abut two parallel streets, are not permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdivision otherwise unreasonable. Double frontage lots must have an additional depth of at least 20 feet in order to allow space for screen planting along the rear lot line.

43) Lot remnants that are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show acceptable plans for the future use of the remnants. The city may require covenants to be recorded that provide reasonable assurance that the remnant lots will be maintained and that real estate taxes will be paid.

Section 2. This ordinance is effective immediately.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 18, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: July 26, 2021

Date of adoption: Oct. 18, 2021

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 18, 2021.

Becky Koosman, City Clerk



**City Council Agenda Item 14C
Meeting of October 18, 2021**

Title: Ordinance regarding tree protection
Report From: Susan Thomas, AICP, Assistant City Planner
Submitted through: Mike Funk, Acting City Manager
Julie Wischnack, AICP, Community Development Director

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

Summary Statement

Staff is proposing the repeal and replacement of the city's existing tree protection ordinance. While the existing ordinance focuses on preserving the community's highly-valued, old-growth trees, the proposed ordinance includes an additional focus on supporting woodland sustainability and resilience.

Recommended Action

Staff recommends the council adopt the ordinance.

Strategic Profile Relatability

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

Statement: The proposed ordinance reflects the city's strategic priority to "support long-term and short-term initiatives that lead to the protection and enhancement of our unique and natural environment while mitigating climate change impact."

Financial Consideration

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

Background

Minnetonka's trees and woodlands are an integral part of the city's identity. A 2019 tree canopy study noted that Minnetonka's 58% coverage leads Minnesota suburban communities.¹

Unfortunately, Minnetonka's tree canopy is threatened by the changing Minnesota climate, disease, and pests. Much less impactful are development and construction activities. While climate, disease, and pests are difficult to regulate locally, the city can and does regulate – through its tree protection ordinance – tree removal associated with construction and development.

City	City Area (sq. miles)	Estimated % Tree Coverage
Apple Valley	17.7	27.8%
Blaine	34.0	39.5%
Burnsville	26.6	29.6%
Coon Rapids	23.3	42.4%
Eagan	33.5	35.3%
Eden Prairie	35.3	45.0%
Edina	16.0	43.4%
Lakeville	37.9	28.8%
Maple Grove	35.1	30.8%
Minnetonka	29.1	58.4%
Plymouth	35.5	40.3%
St. Louis Park	10.8	38.1%
Woodbury	35.7	22.1%

The city adopted its first tree ordinance in 1989. As development continued over the next several decades, the city determined that it needed to enhance the protection of forested areas; a more comprehensive tree ordinance was adopted in 2008. The ordinance led – and in staff's opinion – continues to lead ordinances locally and nationally in the overall protection of tree resources. Minnetonka's ordinance applies levels of protection to woodland areas and individual trees while also requiring mitigation; most ordinances focus on one of these three aspects of protection. Nevertheless, a community must periodically reevaluate its ordinances to ensure they continue to reflect the goals of the community.

Over the last two years, general changes to the tree protection ordinance have been discussed by the city council, planning commission, sustainability commission, and city staff.

- Oct. 21, 2019: City Council study session, [report](#) (minutes not available)
- Dec. 19, 2019: Planning commission, [report](#) and [minutes](#)
- June 29, 2020: City council study session, [report](#) and [minutes](#)
- July 13, 2021: Sustainability commission, [report](#) and [minutes](#)

Proposed Ordinance

The proposed tree protection ordinance is an outgrowth of these many discussions. It focuses on protection and replanting, as well as sustainability and resilience, and is one component of larger community efforts to protect Minnetonka's trees and woodlands.

The primary substantive difference between the existing and proposed ordinance are outlined in the planning commission report. Generally:

1. **High Priority and Significant Trees: Species.** The existing ordinance places value and protection on trees based solely on species. The proposed ordinance recognizes that:

¹ City of Burnsville. (2019). Tree Survey and Carbon Sequestration Study. <https://view.publitas.com/palebluedot/burnsville-tree-canopy-survey-report>

- (1) all trees provide value – be it aesthetic significance, “quick growth” buffering, stormwater management, pollinator, and wildlife habitat, etc.; and (2) a diversity of tree species will result in woodlands more resilient to the effects of climate change and as-yet-unknown pests and disease.
2. **High Priority and Significant Trees: Size.** The existing ordinance protects structurally sound deciduous trees 10 inches or larger in diameter and a conifer 15 feet or taller is classified as high priority.² The proposed ordinance lowers these thresholds in recognition that smaller trees make up the forest of the future. These “small” trees may, in fact, be quite old. For example, a 10-inch basswood may be 45 years old, and a 10-inch white oak may be 65 years old. Achieving the replacement value of even these somewhat smaller trees will still take many, many decades.
 3. **Removal Thresholds.** The existing ordinance establishes maximum removal thresholds during the subdivision process for woodland preservation areas (WPA) and high priority trees. The proposed ordinance maintains these thresholds but adds a threshold for the removal of significant trees and applies the thresholds to redevelopment activities, including the removal and reconstruction of existing single-family homes.
 4. **Exceptions.** The proposed ordinance allows the city council to approve removal over the thresholds outlined in the ordinance, if removal would promote: (1) a greater public good; (2) preservation of important or unique natural features of the site; or (3) planting or growth of more climate-resilient trees or vegetation.
 5. **Natural Resource Fund.** In some unique situations, site conditions may not allow a property owner or applicant to achieve the required amount of tree replanting. Under the existing ordinance, city staff can allow for reduced replanting in these unique situations. The proposed ordinance requires a cash contribution to the natural resources fund for those replanted trees that cannot be “fit” on a site. This is a fund that already exists and is programmed annually.

City Council Introduction

The city council introduced the draft tree protection ordinance on [Sept. 13, 2021](#). Council members requested additional information and discussion on cumulative removal thresholds for woodland preservation areas (WPA) and tree prioritization. (Meeting minutes are attached.)

- **WPA.** The draft ordinance does not include a cumulative removal threshold for WPA. In staff’s opinion, such a threshold is not necessary for three reasons:
 1. **Impact to Date.** In 2008, WPA comprised roughly 1,250 acres – or 6.9% – of Minnetonka’s 28 square miles. Under the existing tree ordinance, removal of WPA during subdivision is limited to 25% of the WPA on the subdivision site.³ This removal threshold does not apply if: (1) subdivision occurs at a density of no

² While dbh (diameter at breast height) is used in the existing ordinance, dsh (diameter at standard height) is used in the proposed ordinance.

³ A tree is considered removed if girdled, if 30 percent or more of the trunk circumference is injured, if 30% or more of the crown is trimmed, if an oak is trimmed between April 1 and July 15, or if the following percentage of the critical root zone is compacted, cut, filled or paved: 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple, and boxelder.

more than one lot per acre; or (2) the city approves the use of PUD to promote a greater public good.

Since the adoption of the ordinance, the city has approved 57 residential subdivisions with a total of 310 lots.⁴ Seven of the subdivisions involved property containing WPA. Those subdivisions had very little impact on the community's WPA, removing just 0.34% of the total area. (Note: This removal number does not account for trees that may have been replanted in WPA as part of the development.)

	WPA
WPA Pre-Subdivision (2008)	1,246 acres
WPA Amount Removed (2008 to current)	4.26 acres
% of Total WPA Removed (since 2008)	0.34%

2. **Equitable Treatment.** Ordinance provisions limiting cumulative impact to WPA may result in unequal treatment of property owners whose lots contain WPA. Owners who wish to subdivide – or sell their properties to developers for subdivision – in the near term would have greater tree removal “rights” than those property owners who choose to maintain their wooded properties. The early subdividers may “use up” the allowance of WPA removal. In choosing to maintain their woodlands for a longer period of time, the later subdividers would essentially be penalized.
3. **Removal Concern.** Typically the city does not receive concerns about the removal of WPA. Rather, people object to the number of individual trees removed from a site. The proposed ordinance redefines high-priority trees, establishes thresholds for removing significant trees, and increases protections for “smaller” trees. It is staff’s opinion that these provisions reflect the public’s concerns and increase overall tree protection.

If the majority of councilmembers would like the ordinance to address cumulative WPA removal, staff would propose general language such as: “in addition to these thresholds for on-site removal, the city may consider a proposal’s impact on the cumulative removal within the larger WPA.”

- **Prioritization List.** An example tree prioritization list is attached. This list is not intended to be within the ordinance document itself, as it will need to be periodically updated to address pests, diseases, and other natural threats.

Determining the level of protection for individual trees will be subject to staff review based on community goals and site-specific considerations. In general, native deciduous trees will be prioritized over non-native trees and conifers, and slower-growing trees (e.g. oak species, ironwood) will be prioritized over faster-growing or pioneer tree species (e.g. boxelder and cottonwood). No trees will be protected if they are included on the prohibited, restricted, or specially regulated noxious plant list maintained by the MN Department of Agriculture under Minnesota Statutes §18.75-18.91 (e.g. black locust, Amur maple).

⁴ Four additional subdivisions were approved but never developed. Those approvals have since expired.

As is current practice, staff will continue to provide an analysis of tree removal information and provide a recommendation to the planning commission and city council for projects reviewed by these bodies.

Planning Commission Consideration

The planning commission considered the draft tree ordinance on [Sept. 30, 2021](#). Please review the staff presentation related to the ordinance here: [Tree Ordinance Presentation](#). (Based on time considerations, this presentation will not be replicated at the council meeting.)

Following the staff presentation, the commission asked several questions, including:

- Is tree removal on existing, single-family properties an issue?

Staff indicated that “teardown/rebuilds” occur in Minnetonka. Neighbors frequently call the city to express their concerns and frustrations about trees removed during this process.

- Would recent applications have met the proposed ordinance?

Staff noted that several recently approved subdivisions were just under the 35% high priority tree removal threshold and would have exceeded the now proposed 50% significant tree threshold. It is likely that these subdivisions would not have met the proposed ordinance. This does not mean that no subdivision would have occurred. Rather, the developer would have needed to give further consideration to the number of lots and/or site design. Similarly, several large redevelopment projects would not have met the ordinance. The council could still have chosen to approve the projects based on their provision of affordable housing.

- How was the 50% threshold chosen for significant trees?

Staff answered that 50% seemed like an appropriate place to start, given there is no threshold in the existing ordinance.

- How are escrows handled?

Staff explained that the city takes escrow funds to ensure compliance with many ordinance requirements. Examples include funds for planting, installation of driveways, stormwater facility functionality, and consultant work. Escrows are returned to the depositor upon successful completion of requirements. A detailed process for managing escrows is already in place.

- Should eliminating invasive species be included in the proposed ordinance?

Staff suggested that the tree protection ordinance – which applies when construction, site work, redevelopment, and subdivision activities occur on a property – is not the appropriate place for such requirements. Instead, the city continues to reach out and educate property owners about the benefits of removing invasive species and planting native species.

As a group, the commission expressed support for the ordinance. Individual commissioners commented:

- The ordinance would lead the way in tree protection ordinances.
- The ordinance is important to protect a natural resource that cannot be easily replaced.
- The provisions of the ordinance may be too timid.
- The provisions related to redevelopment on a single-family property – meaning removal and reconstruction of homes – may be onerous to property owners.

On a 6-0 vote, the commission recommended the council adopt the ordinance. (Meeting minutes are attached.)

Community Feedback

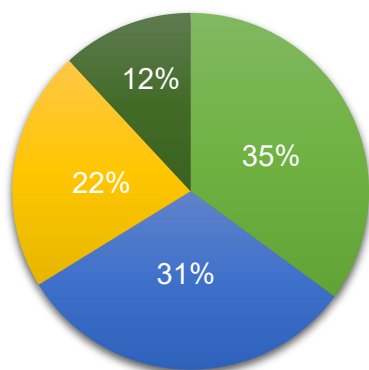
A Minnetonka Matters Tree Protection Ordinance page was established in Sept. 2021. The page includes a survey regarding general tree protection and specific ordinance language. Emails directing users to the page and requesting completion of the survey were sent to 7,065 minnetonkamn.gov subscriber groups, including Sustainable Minnetonka, Natural Resources News & Events, Latest News, and Planning Commission Agendas and Minutes. In addition, Minnetonka Twitter and Facebook messaging were also used to encourage the completion of the survey.

As of the writing of this report, the Minnetonka Matters page has received roughly 1,500 visitors. Of these visitors, 105 completed the survey.

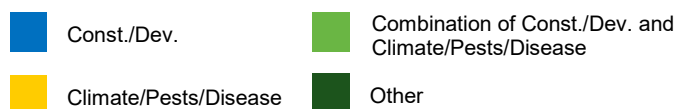
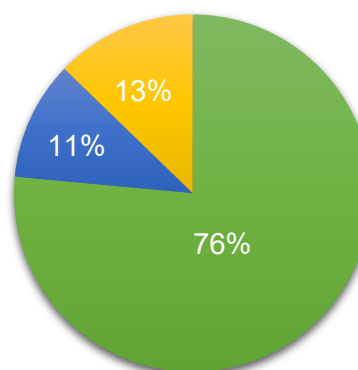
Minnetonka Matters Page Visitors	1,500
Aware Visitors (viewed)	1,152
Informed Visitors (viewed, downloaded a document)	472
Engaged Visitors (completed survey)	105

The survey included 11 questions, seven of which were “tree-related.” The complete survey and responses are attached. Responses to two of the primary questions are summarized below.

Greatest Threat to Trees?



Limit Tree Removal?



City staff requested feedback from seven developers. Unfortunately, no responses have been received to date. If more information is received, staff will share it at the meeting.

Finally, staff had information on the tree ordinance available at the city-wide open house on Oct. 5, 2021. A few people commented about the need to preserve and balance development rights.

Calvert moved, Carter seconded a motion to adopt Resolution 2021-083. All voted "yes." Motion carried.

C. Ordinances amending City Code 1120 (small cell wireless) and 1105 (driveways), regarding right-of-way management

Schaeppi reported the city has very little local control over small cell wireless towers. He explained there was language within the ordinance stating small cell wireless towers would be allowed "where feasible". He requested further comment from staff on this. City Attorney Corrine Heine advised the language under concealment states when feasible, concealment elements must be incorporated into the proposed design of the small wireless facility installation. She reported staff proposed this change to the ordinance because one of the applicants wanted to put its facility on an existing Xcel electric distribution pole and Xcel has limitations on what they will allow. For this reason, the city wants to facilitate small cell facilities co-locating on existing poles. She indicated the second change in Section 3 of the ordinance applies only to new support structures, requiring new support structures have to be a minimum of two lot lines or a minimum of 200 feet away from existing support structures on the same side of the street, when feasible. She commented there were some streets that have a high number of poles and the proposed language will help with proper pole distribution.

Schaeppi moved, Schack seconded a motion to adopt Ordinance 2021-14 and Ordinance 2021-15. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Gas franchise ordinance with CenterPoint Energy Resources Corp.

City Attorney Corrine Heine gave the staff report.

Wiersum reported this was an ordinance introduction and would come back to the council on October 4, 2021.

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

B. Ordinance regarding tree protection

City Planner Loren Gordon gave the staff report.

Calvert thanked staff for all of their work on this ordinance. She discussed how trees provide habitat for other forms of wildlife and she appreciated the fact there were some non-native trees across from her house. She requested the city explore the advantages and disadvantages of valuing non-native tree species in Minnetonka. She discussed the woodland preservation ordinance requirements and recommended the woodland preservation areas be further protected once it has had 25% of its trees removed.

Kirk stated he would like to ensure property owners rights are also protected. In addition, he recommended staff seek comment from developers on the proposed tree ordinance. He questioned if the tree ordinance was fair or was it pushing things too far. Community Development Director Julie Wischnack reported Minnetonka has one of the tougher ordinances to follow. She explained staff encourages developers to do their homework prior to purchasing property.

Kirk recommended the planning commission consider the greater good be considered. He indicated he loves the trees, but also understood the occasional exception should be made.

Schaeppi thanked staff for their efforts on this ordinance. He noted he just had to removed a diseased tree from his property. He asked how the city becomes aware of diseased trees. Gordon explained this is typically triggered by redevelopment projects, are noticed along a right-of-way, or because staff has been prompted to go to the site. He described how the city forester/arborist assists with determining tree health.

Schaeppi stated he concurred with Councilmember Calvert and explained he would like to learn more about the preservation and value of non-native trees.

Schack commented she saw the perspective of the 25% woodland preservation, and how this could compound over time. She explained it would be interesting to see how other communities were addressing woodland preservation matters. She recommended the city keep the public good in mind when it comes to affordable housing or alternative housing stock. She wanted to be assured that the proposed ordinance was not keeping the city from having additional affordable housing options.

Calvert stated she appreciated the comments from Councilmember Schack, but also understood the city had to protect the environment from heat islands and climate warming for everyone.

Wiersum explained reorganizing and simplifying the ordinance was a good idea. He commented on a meeting he attended several years ago that addressed the value of trees in communities. He encouraged the planning commission to think about how the climate was changing and to consider what trees would thrive in

Minnetonka. He stated all trees were good and he wanted to see all trees be resilient.

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

13. Public Hearings:

A. Resolutions for special assessment of 2020-2021 projects

Finance Director Darin Nelson gave the staff report.

Wiersum opened the public hearing.

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

Kirk moved, Carter seconded a motion to adopt Resolution 2021-084, Resolution 2021-085, Resolution 2021-086, Resolution 2021-087, Resolution 2021-088, Resolution 2021-089, Resolution 2021-090 and Resolution 2021-091. All voted "yes." Motion carried.

14. Other Business:

A. Item related to the Birke at 11700 Wayzata Boulevard

Community Development Director Julie Wischnack gave the staff report.

Calvert moved, Kirk seconded a motion to adopt Resolution 2021-092. All voted "yes." Motion carried.

B. Resolutions pertaining to the Affordable Housing Trust Fund

Community Development Director Julie Wischnack gave the staff report.

Schack commented this was a creative tool to assist with affordable housing and noted she supported the proposed resolutions. She thanked staff for all of their efforts on this matter.

Calvert concurred and thanked the city's legislators for allowing Minnetonka to be part of a pilot program. She stated she was proud to have this valuable tool in place to assist with affordable housing.

Carter reported by 2026 the city could add another \$1 million or upwards of \$6 million for affordable housing. She appreciated both the courage and creativity the city had in finding new ways to fund affordable housing.

MINNETONKA PLANNING COMMISSION
Sept. 30, 2021

Brief Description Ordinance regarding tree protection

Recommendation Recommend the city council adopt the ordinance.

Background

Minnetonka’s trees and woodlands are an integral part of the city’s identity. A 2019 tree canopy study noted that Minnetonka’s 58% coverage leads Minnesota suburban communities.¹

Unfortunately, Minnetonka’s tree canopy is threatened by the changing Minnesota climate, disease, and pests. Much less impactful are development and construction activities. While climate, disease, and pests are difficult to regulate locally, the city can regulate – through its tree protection ordinance – tree removal associated with development and construction.

City	City Area (sq. miles)	Estimated % Tree Coverage
Apple Valley	17.7	27.8%
Blaine	34.0	39.5%
Burnsville	26.6	29.6%
Coon Rapids	23.3	42.4%
Eagan	33.5	35.3%
Eden Prairie	35.3	45.0%
Edina	16.0	43.4%
Lakeville	37.9	28.8%
Maple Grove	35.1	30.8%
Minnetonka	29.1	58.4%
Plymouth	35.5	40.3%
St. Louis Park	10.8	38.1%
Woodbury	35.7	22.1%

Existing Ordinance

The city adopted its first tree ordinance in 1989. As development continued over the next several decades, the city decided to enhance the protection of its larger trees and woodland areas, adopting a more comprehensive tree ordinance in 2008. The ordinance led and – in staff’s opinion – continues to lead ordinances locally and nationally in the overall protection of tree resources. Minnetonka’s ordinance applies levels of protection to woodland areas and individual trees while also requiring replanting; most ordinances focus on just one of these three aspects of protection. Nevertheless, a community must periodically reevaluate its ordinances to ensure they continue to reflect the goals of the community.

Over the last two years, general changes to the tree protection ordinance have been discussed by the city council, planning commission, sustainability commission, and city staff.

- Oct. 21, 2019: City council study session, [report](#) (minutes not available)
- Dec. 19, 2019: Planning commission, [report](#) and [minutes](#)
- June 29, 2020: City council study session, [report](#) and [minutes](#)

¹ City of Burnsville. (2019). Tree Survey and Carbon Sequestration Study. <https://view.publitas.com/palebluedot/burnsville-tree-canopy-survey-report>

- July 13, 2021: Sustainability commission, [report](#) and [minutes](#)

Proposed Ordinance

The proposed tree protection ordinance is an outgrowth of these many discussions. It focuses on protection, as well as sustainability and resilience, and is one component of larger community efforts to protect Minnetonka's trees and woodlands. The following outlines the primary differences between the existing ordinance and the proposed ordinance. (The proposed ordinance is attached in full.)

- **Housekeeping**

1. **Renumbering.** Several years ago, city staff began a project reorganizing/renumbering the zoning ordinance. The intent of the reorganization/renumbering is to provide a more user-friendly and visually appealing ordinance. Staff suggests continuing the reorganization/renumbering with the tree protection amendment.
2. **Reorganization, Rewording, and Charts.** Existing ordinance provisions are reorganized and reworded for clarity, and charts are used to convey information whenever possible.

- **Substantive**

1. **High Priority and Significant Trees: Species.** The existing ordinance places value on – and thereby establishes protection for – certain trees based solely on species. The proposed ordinance generally does not prioritize trees based solely on species. Rather, the ordinance recognizes that: (1) all trees provide value – be it aesthetic significance, “quick growth” buffering, stormwater management, pollinator, and wildlife habitat, etc.; and (2) a diversity of tree species will result in woodlands more resilient to the effects of climate change and as-yet-unknown pests and disease.

The proposed ordinance does recognize that native and culturally significant trees should be prioritized above non-native species. As such, a prioritization list will be maintained by the city forester and used to guide both tree removal and replanting.

2. **High Priority and Significant Trees: Size.** Under the proposed ordinance, a tree will be considered high priority or significant based solely on size. Any healthy, structurally sound deciduous tree 10 inches or larger in diameter or a conifer 15 feet or taller is classified as high priority.² A significant tree is a healthy, structurally sound deciduous tree with a diameter of four inches or greater or a conifer 10 feet or taller. These size thresholds are lowered from the existing ordinance in recognition that “smaller” trees make up the forest of the future. These “small” trees may, in fact, be quite old. For example, a 10-inch

² While dbh (diameter at breast height) is used in the existing ordinance, dsh (diameter at standard height) is used in the proposed ordinance.

basswood may be 45 years old, and a 10-inch white oak may be 65 years old. Achieving the replacement value of even these somewhat smaller trees will still take many, many decades.

DEFINITIONS	Existing Ordinance	Proposed Ordinance
High Priority	Structurally sound and healthy: <ul style="list-style-type: none"> Deciduous \geq least 15-inches dbh, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, amur maple, fruit tree species, mulberry, and Norway maple; Coniferous \geq 20-feet in height, except a Colorado spruce; or Group of trees \geq 8-inches dbh or at least 15-feet in height providing a buffer to a public street. 	Structurally sound and healthy: <ul style="list-style-type: none"> Deciduous \geq 10-inch dsh; Coniferous \geq 15-feet height; or Group of three or more trees providing a buffer to a public street.
Significant	Structurally sound and healthy: <ul style="list-style-type: none"> Deciduous \geq 8-inch dsh; or Coniferous \geq 15-feet; height. 	Structurally sound and healthy: <ul style="list-style-type: none"> Deciduous \geq 4-inch dsh; or Coniferous \geq 10-feet; height.

3. **Removal Thresholds.** The existing ordinance establishes maximum removal thresholds during the subdivision process for woodland preservation areas (WPA) and high priority trees. The proposed ordinance maintains these thresholds but adds a threshold for the removal of significant trees and applies the thresholds to redevelopment activities, including the removal and reconstruction of existing single-family homes.

TREE REMOVAL THRESHOLDS		WPA (% of area)	High-Priority Trees* (% of trees)	Significant Trees* (% of trees)
Single-Family Property	No construction or site Work	Removal not restricted		
	Construction on a vacant lot	In conformance with subdivision approvals		
	Construction or site work, two years after initial house construction	Removal not restricted		
	Redevelopment (removal of existing buildings and new construction)	25% of WPA on the lot	35% of trees on the lot	50% of trees on the lot
Non-Single-Family Property	No construction or site work	In conformance with approved landscape or tree preservation plan		
	Construction or site work on a vacant lot	In conformance with subdivision or site plan approval		

TREE REMOVAL THRESHOLDS		WPA (% of area)	High-Priority Trees* (% of trees)	Significant Trees* (% of trees)
Non-Single-Family Property	Construction or site work on a developed lot	25% of WPA on site	35% of trees on site	50% of trees on site
	Redevelopment	25% of WPA on site	35% of trees on site	50% of trees on site
Subdivision (dividing property)		25% of area on site	35% of trees on the site	50% of trees on the site
		If a subdivision proposal includes the removal of trees above the thresholds listed above, the subdivision must occur at a density of no more than 1 unit/acre		

* located outside of a WPA

- **Exceptions.** The proposed ordinance allows the city council to approve removal above the percentages noted above, if removal would promote: (1) a greater public good; (2) preservation of important or unique natural features of the site; or (3) planting or growth of more climate-resilient trees or vegetation.
- **Natural Resource Fund.** In some unique situations, site conditions may not allow a property owner or applicant to achieve the required amount of tree replanting. Under the existing ordinance, city staff can allow for reduced replanting in these unique situations. The proposed ordinance requires a cash contribution to the natural resources fund for those replanted trees that cannot be “fit” on a site.

Summary Comment

The proposed ordinance represents a significant change to an already significant ordinance. However, staff believes the amendment is consistent with the city’s strategic goals and with the direction provided by the council and its commissions. The ordinance would not prohibit development activities or prevent all tree loss but would require that property owners and developers be mindful in their design and development decisions.

Staff Recommendation

Recommend the city council adopt the ordinance regarding tree protection.

Originators: Susan Thomas, AICP, Assistant City Planner
 Leslie Yetka, Natural Resources Manager
 Sarah Middleton, Natural Resources Specialist

Through: Loren Gordon, AICP, City Planner

Supporting Information

Woodland Preservation Areas

The proposed ordinance makes no changes to either the definition of woodland preservation areas (WPA) or the level of protection provided to these areas. During the Sept. 13, 2021 ordinance introduction, councilmembers asked staff to consider the cumulative impact to WPA and how the ordinance could include provisions to address/limit those impacts. While understanding the intent, staff does not believe such provisions are necessary for two reasons:

1. **Cumulative Impact to Date.** In 2008, WPA comprised roughly 1,250 acres – or 6.9% – of Minnetonka’s 28 square miles. The majority of these areas are Mesic Oak and Oak Woodland Brushland types.

Under the existing tree ordinance, removal of WPA during subdivision is limited to 25% of the WPA on the subdivision site.³ This removal threshold does not apply if: (1) subdivision occurs at a density of no more than one lot per acre; or (2) the city approves the use of PUD to promote a greater public good.

Since the adoption of the ordinance, the city has approved 57 residential subdivisions with a total of 310 lots.⁴ Seven of the subdivisions involved property containing WPA. Those subdivisions had very little impact on the community’s WPA, removing just 0.34% of the total area. (Note: This removal number does not account for trees that may have been replanted in WPA as part of the development.)

	WPA
WPA Pre-Subdivision (2008)	1,246 acres
WPA Amount Removed (2008 to current)	4.26 acres
Percent of Total WPA Removed (since 2008)	0.34%

2. **Equitable Treatment.** Ordinance provisions limiting cumulative impact to WPA may result in unequal treatment of property owners whose lots contain WPA. Owners who wish to subdivide – or sell their properties to developers for subdivision – in the near term would have greater tree removal “rights” than those property owners who choose to maintain their wooded properties. The early subdividers may “use up” the allowance of WPA removal. In choosing to maintain their woodlands for a longer period of time, the later subdividers would essentially be penalized.

³ A tree is considered removed if girdled, if 30 percent or more of the trunk circumference is injured, if 30% or more of the crown is trimmed, if an oak is trimmed between April 1 and July 15, or if the following percentage of the critical root zone is compacted, cut, filled or paved: 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple, and boxelder.

⁴ Four additional subdivisions were approved but never developed. Those approvals have since expired.

Examples

To understand the potential impact of the proposed ordinance, natural resources staff reviewed two recently approved redevelopment projects.

1. **Lake Minnetonka Care Center.** As approved, a single-family home at 16913 Highway 7 will be removed and a 21-bed nursing home and associated parking lot will be constructed.

As redevelopment, this project was not subject to tree removal thresholds under the existing ordinance. Under the proposed ordinance, these thresholds would apply. The project *would not* meet the proposed ordinance as presented. However, it is likely that the new thresholds could have been met with redesign of building footprint and/or the location and design of the parking lot.

	Existing Ordinance	Proposed Ordinance
High Priority Existing	70	135
High Priority Removed	28 or 40%	55 or 41%
Significant Existing	76	34
Significant Removed	37 or 49%	22 or 65%

2. **Wellington Apartments.** As approved, an existing office building and associated parking lot at 10901 Red Circle Drive will be removed and a two-phase, 370+ unit apartment project will be constructed.

As redevelopment, this project was not subject to tree removal thresholds under the existing ordinance. Under the proposed ordinance, these thresholds would apply. The project *would not* meet the proposed ordinance as presented. The city council would have needed to find that the public benefit provided by the project – in this case, provision of affordable housing – warranted the tree removal presented.

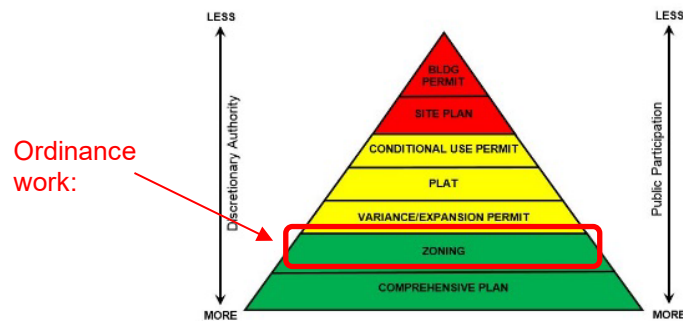
	Existing Ordinance	Proposed Ordinance
High Priority Existing	0	31
High Priority Removed	0	31 or 100%
Significant Existing	37	6
Significant Removed	37 or 100%	6 or 100%

Community Feedback

A Minnetonka Matters page has been set up describing the proposed ordinance. The page contains a survey regarding general tree protection and specific ordinance language. Emails requesting completion of the survey were sent to various minnetonkamn.gov subscriber groups, including: Sustainable Minnetonka, Natural Resources News & Events, Latest News, and Planning Commission Agendas and Minutes. In addition, Minnetonka Twitter and Facebook messaging has also been used to encourage completion of the survey. Staff will present

responses to date at the commission meeting. The Minnetonka Matters page and survey will be open until a final council decision on the ordinance.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Support the proposed ordinance. In this case, a motion should be made to recommending the city council approve the ordinances.
2. Disagree with some or all of the ordinance. In this case, a motion should be made denying some or all portions of the ordinances.
3. Table consideration. In this case, a motion should be made to table the item. The motion should include a statement as to why the ordinance consideration is being tabled with direction to staff regarding the preparation of different ordinance options or language.

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.

Deadline for Action

N/A. There is no deadline for action on an ordinance amendment proposed by the city.

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

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

Waterman found the proposed ordinance amendment straightforward. The housekeeping changes make sense. He agrees with the changes and promotion of regular-shaped lots as long as a variance could be approved when needed to protect natural features. He appreciates the steep-slope clarification.

Henry moved, second by Powers, to recommend that the city council adopt the ordinance amendment regarding definitions and lot shape.

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

This item is scheduled to be reviewed by the city council on Oct. 18, 2021.

B. Ordinance regarding tree protection.

Acting Chair Hanson introduced the proposal and called for the staff report.

Thomas, Yetka, Gordon and Wischnack reported. They recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Henry's question, Gordon explained how a survey was utilized to collect input from residents who were given six weeks to respond. A month is a good length of time for a deadline to receive comments since a majority of people tend to forget the request after a few weeks.

Wischnack noted that, as shown in the staff report, 29 percent of the 2,071 subscribers to the city council, planning commission, and sustainability commission packets and 37 percent of the 7,065 emails sent to subscribers of the Natural Resources News and Events, Sustainable Minnetonka, and Latest News opened and read the agenda packet for the meeting. The survey will be open and accepting comments until the city council meeting, and 96 residents have already taken the survey.

Henry noted that many survey respondents favor protecting Minnetonka's tree canopy and support tree protection ordinances that would require more tree preservation than the proposed changes to the tree protection ordinance.

Wischnack stated that 95 percent of respondents in the city-wide survey answered that Minnetonka does a good or excellent job of forest management.

In response to Henry's comment, Yetka explained that the proposed amendment would allow staff to look at individual sites, determine which trees would provide more benefit than others, and gain protection for the tree species that are considered highly valuable.

Thomas provided an example of a site that would require either the removal of a cottonwood tree or an oak tree. In that situation, the site plan that would preserve the oak tree would be approved.

Maxwell supports making the tree-species-priority list available to developers and property owners before one would submit an application for a land-use project. Thomas agreed that it would be advertised and provided to applicants. The list was not included in the ordinance so that the list could be modified without an ordinance amendment.

Banks asked how the escrow deposit is handled when the \$500 penalty is imposed and under what circumstances an applicant would pay into the natural-resource fund. Gordon explained that one piece that determines a landscape plan is based on the monetary value of a project. Sometimes there is not enough area to plant all of the required landscape for a project on the site. An applicant could pay into the natural-resource fund in exchange for not planting all required vegetation on the site. The funds would be used to plant the landscaping somewhere else in the city.

Thomas explained that the amount of the escrow deposit would be based on the cost to replace the required landscaping. After a full growing season, natural resources staff visit each site to make sure the required landscaping is still alive. Staff will return the escrow to the applicant once the landscaping has survived one year.

Yetka explained that mitigation of landscaping to another site is determined by the height and diameter of each tree and additional vegetation. The value to be paid to the natural resource fund would be determined on a case-by-case basis.

Wischnack explained that Minnetonka has enforced violations of the tree protection ordinance based on amounts provided in the city charter.

Waterman thanked staff and the public for responding to the survey. He noted the more restrictive single-family home requirement. He asked if single-family property owners removing trees is a current issue that causes a lot of tree loss. Thomas explained that house removal and reconstruction occur fairly often, and typically a smaller house is replaced by a larger house. The proposed amendment would be a significant change from the current ordinance.

Waterman asked for examples of previous applications that would not have met the new proposed ordinance standard. Thomas knew of several applications that removed 35 percent of the high-priority trees. She suspects that several proposals previously approved would not meet the requirements of the proposed ordinance and would require different site designs or building placement to meet the proposed requirements.

Waterman asked how 50 percent was chosen. Thomas answered that no other community has the current tree protection requirements that Minnetonka has and do not have anything similar to the 50 percent requirement. It would be a significant change.

Powers appreciated the work done by staff. He likes everything proposed in the ordinance but felt it would be "too timid." Powers supports the city by reviewing the tree protection ordinance on a regular basis, extending the lookback for tree removal from two years to ten years, and working to grow the tree canopy by requiring two or three trees to be planted for every one removed.

Yetka explained that the mitigation ratio of high-priority trees is one inch in diameter to one inch in diameter, not one tree for one tree. That is not changing. The proposal would change the current ordinance to require that every significant tree removed to be replaced by two-inches-in-diameter of a significant tree.

Henry supports expanding the woodland protection areas. Yetka explained that the woodland protection areas are remnants of land from the canopy to the ground that preserves what ecosystems historically existed previously.

Henry asked if eliminating invasive species could be included in the tree ordinance. Yetka explained that it is more in the realm of educating and reaching out to property owners to help them understand the benefits of removing invasive species and planting native species.

In response to Hanson's request, Thomas directed those interested in learning about tree ordinances in other cities to follow a link provided in the staff report. Staff was unable to find another ordinance that protects heritage trees, requires replanting, and protects forested areas.

Hanson noted that the proposed ordinance would lead the way in tree protection ordinances.

Maxwell asked what kinds of incentives had been considered. Gordon responded that the city has sponsored a subsidized tree sale for residents for several years and frequently provides educational seminars. Yetka explained that the incentives would not be listed in the ordinance. Natural resources staff constantly scout the city, looking for trees with diseases that have to be removed. Sometimes the city helps fund the removal of diseased trees. The city provides education for replanting and is looking at increasing the number of trees offered by installing a gravel-bed nursery to grow more small trees and make them available to residents who have lost trees. That is a goal for 2022.

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

Maxwell saw the benefit of the changes. She was unclear on how much it would cost. A developer may not even submit an application because the tree protection ordinance could not be met, and the cost would never be known. Review of an application could

take an extra two months, more staff time, and costs she may be unaware of to meet tree protection ordinance requirements. She supports the changes but would like to have an idea of what it could cost.

Wischnack explained that staff emailed the proposed changes to developers. The gathering of data for each proposed project would be gathered the same way for any application. It is possible the changes may cause re/developments not to happen. The Dominion project reworked its site plan a few times to meet current tree protection ordinance requirements. Maxwell appreciated that an applicant could work with staff to get a proposal as close as possible before submitting an application that would be reviewed by the planning commission. She wanted to make sure that was an option.

Maxwell thought the focus could be on tree protection and tree replacement. She supports the proposal. She appreciates the staff's hard work and excellent presentation.

Banks thanked the staff for the great presentation and proposed changes. He supports the proposal. It moves the city in the right direction. It would help prevent climate change. He would appreciate clarity regarding the cost that would be paid into the natural-resources fund to allow developers to budget for that cost. He would love to see a lot of education for property owners and developers utilizing the website and Minnetonka Memo.

Waterman thanked the staff for the informative presentation. He was glad to see a general agreement from resident comments that support the changes to protect the tree canopy. The ordinance amendment is important to protect a natural resource that cannot be easily replaced. The goal is to enhance and maintain the tree canopy. He agrees that not all of it can be done with ordinances. He supports the current programs such as the tree sale and educational seminars. The proposal is a big step forward in regard to subdivisions and residential, single-family house redevelopments while respecting individual property-owner rights. He struggled with some previously approved projects that removed a large number of significant trees. If there is a great public good, a variance could be approved. He supports the proposal.

Powers appreciates the staff's work on the proposed ordinance amendment. He supports the proposal but would support councilmembers making some changes such as making the look back three years instead of two years and replacing a tree an inch in diameter with a tree one foot in diameter. This is an opportunity to get in front of what is happening with the environment.

In response to Henry's question, Wischnack referred to the presentation that showed that Minnetonka has more tree canopy now than it ever has since it was recorded. The area previously consisted of numerous farm fields.

Henry acknowledged the thought and effort put into the proposal. He likes the forest of the future ideas. He likes the tree sale. The proposal has what it needs. He likes the ordinance amendment the way it is. He supports the proposal.

Acting Chair Hanson did not like the single-family residential restrictions. He thought that went way too far. That was his feedback as an individual. He shared the concern that some re/development projects may be prevented, but he felt that the proposal makes the city more attractive for better re/developments. He thanked the staff for two years of work. He looks forward to seeing what happens at the city council review.

Powers moved, second by Waterman, to recommend that the city council adopt the ordinance amendment regarding tree protection.

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

This item is scheduled to be reviewed by the city council on Oct. 18, 2021.

9. Adjournment

Maxwell moved, second by Banks, to adjourn the meeting at 8:52 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary



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

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: Sept. 30, 2021
Subject: Change Memo for the Sept. 30th Planning Commission Agenda

ITEM 8B – Ordinance regarding tree protection

- The following comments was provided after the packet was distributed.
- The tree protection ordinance survey responses as of Aug. 28th are attached.

From: sabrina Harvey [REDACTED]
Sent: Wednesday, September 29, 2021 8:57 AM
To: Susan Thomas <sthomas@minnetonkamn.gov>
Subject: Proposed tree ordinance

Hello Susan,

I have read the ordinance and taken the survey. I commend Minnetonka for caring for it's natural environment. It seems lowering the size thresholds for tree classification and adding new minimums for significant tree removal and removal during redevelopment are good things. But I have some concerns/questions:

1. Is it wise to classify trees only by size and not include species? There are species more valuable than others due climate suitability, value to wildlife, and resistance to pests and diseases.
2. I like that the city is proposing a penalty if a property owner is not able to plant all the mitigation trees on the property. But why not make that penalty mandatory, rather than at the "sole discretion of the city"?
3. Section 7c1 appears to give the city council a lot of power to remove trees if they perceive something else as a larger public good. How is "larger public good" going to be determined?
4. Section 8c says significant trees can be replaced by any tree approved by city staff. Why not make the criteria for tree selection the same as for high priority trees?
4. I'd like to see the city offer guidance, or link to a resource that can offer guidance, regarding trees that are best suited to our climate, to climate change, to specific conditions (light, soil type, moisture, etc.), and wildlife value.
6. And I'd love to see the city offer more incentives to property owners to preserve and plant trees - on their own property or even public property

Could you let me know the schedule and process for approving the ordinance? Will there be a time that these questions can be discussed publicly?

Thank you.

Sabrina Harvey

From: [Friends of Minnetonka Parks](#)
To: [Loren Gordon](#); [Brad Wiersum](#); [Bradley Schaeppi](#); [Brian Kirk](#); [Susan Carter](#); [Kissy Coakley](#); [Rebecca Schack](#); [Deborah Calvert](#)
Subject: Proposed Tree Ordinance
Date: Wednesday, September 29, 2021 9:32:17 AM
Attachments: [TreeOrdinanceLetter 09 29 21.pdf](#)

All,

We are writing to you regarding the Draft Tree Ordinance. Mr. Gordon please share this information with the Planning Commission.

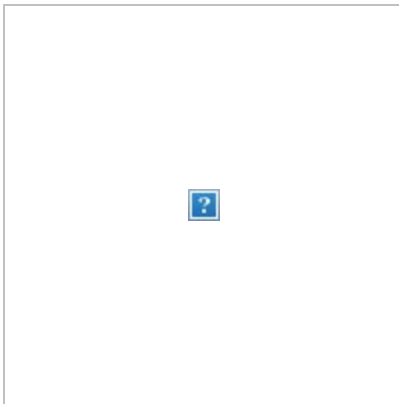
The time is right for engaging the public about the tree ordinance and we support your work on it.

The issues involving the ordinance are weighty, complex and nuanced and need substantial discussion with stakeholders to the issues such as Minnetonka government, home owners, developers and those that care about and use our parks, trails and open spaces. The timeline for feedback is very short—too short for adequate discussion we feel. Can this process be slowed down for more input and discussion? Also the way the information is presented is very challenging to decipher. Since the 2008 ordinance is not included, residents cannot compare the two very easily. It would have been much clearer if the authors of the new version would have utilized “track changes” to make the changes more transparent. This would have better facilitated the understanding of the key elements of the proposed ordinance and the suggested changes.

We look forward to continued discussion of this important ordinance.

John Mirocha, President

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Dear City of Minnetonka Planning Commission,

We are writing to you regarding the draft Tree Ordinance.

The time is right for engaging the public about the tree ordinance and we support your work on it. The issues involving the ordinance are weighty, complex and nuanced and need substantial discussion with stakeholders to the issues such as Minnetonka government, home owners, developers and those that care about and use our parks, trails and open spaces. The timeline for feedback is very short—too short for adequate discussion we feel. Can this process be slowed down for more input and discussion? Also the way the information is presented is very challenging to decipher. Since the 2008 ordinance is not included, residents cannot compare the two very easily. It would have been much clearer if the authors of the new version would have utilized “track changes” to make the changes more transparent. This would have better facilitated the understanding of the key elements of the proposed ordinance and the suggested changes.

Has the city considered having more active public engagement on the proposed ordinance by holding a town hall meetings, focus groups or other activities? The short survey in Minnetonka Matters is a good start to engagement but much more is needed.

We have discussed the proposed ordinance as a board of directors and offer these observations and questions to encourage a wider and deeper discussion and education of the issues rather than to promote or lobby for any specific outcomes other than better understanding and involvement.

Our Observations and Questions

The proposed ordinance:

1. Doesn't adequately state a goal of strongly planning for climate resiliency. Should it be stated more directly throughout the proposed ordinance?
2. Seems to lower size thresholds for categorizations as high priority and significant trees. What is to be gained by this? Has the city intentionally lowered the size threshold by removing language excepting mostly less desirable species and considered the possible consequences? Here's the language that was removed in 4j2: “High priority tree” ... a deciduous tree that is at least 15 inches dbh, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, Amur maple, fruit tree species, mulberry, and Norway maple. The proposed ordinance says 10” dbh, with no species specification. So, on a property, all the giant silver maples would have higher priority than the oak, basswood, ironwood, etc.? It appears that less desirable trees may become the highest priority trees on a property based solely on size. Is the point that more trees get considered high priority based only on size and more limits have been placed on removal? Have you assessed the ecological implications of replacing truly significant trees such as oaks with less significant trees that are just larger? Can this practice lead to forest decline?
3. Adds a threshold (there wasn't one before) for removal of significant trees. What is to be gained by this?
4. Adds a threshold for removal when redeveloping a single family home. So in the case of replacing a smaller home with a larger one, residents can only remove 25-35% of the trees, until 2 years later, when apparently they could clear cut the entire property. How were the numbers determined? What if several home are being remodeled in a neighborhood? Do the percentages still apply? Is there consideration for incentives to homeowners and developers to preserve as many trees as possible at the time of development and on an ongoing basis?

5. If the required mitigation trees won't fit on one's lot, there's a new provision that requires residents to contribute money to the city's natural resources fund. It is not clear what criteria will be used in the phrase "at the sole discretion of the city" or what the cash amount will be. Where does this money go and how is it used?
6. Section 7c1 appears to give the city council a lot of power to remove trees if they perceive something else as a larger public good. It is not clear how this would be used in a practical situation. What is meant by the public good? Who determines this?
7. Section 8c suggests that replacing significant trees with any approved species should be approved by city staff. Can you explain why different criteria is used for high priority trees? Has the city considered granting some kind of incentive for homeowners/developers to maintain trees (not invasive or unhealthy) on their lot and to plant more trees, or to offer vouchers for the annual tree sale when , for example, road construction activities take down trees and they are not replaced like lawn irrigation and pet containment systems?
8. Addresses the city's tree cover. Is referencing the percent of tree cover city-wide adequate? It seems to be much more nuanced.
 - a. Has the city considered unique recommendations for residential/commercial properties versus parks and open space?
 - b. Does the city have a comprehensive residential/commercial tree coverage map that includes a breakdown of tree species, coverage by area/ward in the city? For residential/commercial areas, a comprehensive map would identify where more tree cover is needed based upon known threats and possibilities for mitigation (development, tree disease, noise pollution from highways). For example, a neighborhood with a 50-90% tree cover of species highly susceptible to pests or diseases such as ash trees would be mapped for low resiliency and tree cover.
 - c. What best management practices should be considered such as necessary tree removals/harvesting to meet ecological restoration goals and long term climate resiliency?
 - d. Could the city improve the Tree Sale supply? The annual tree sale does not supply the needs of the community and we are therefore not reaching capacity to reforest our community. If supply issues continue, then should trees be planted in neighborhoods with the greatest need (high percentage of ash trees, low tree cover, buffering from roadways, pollution mitigation)? Could this be addressed through a different tree sale? Has the city considered offering bare root trees instead of large, potted trees? The DNR supplies these at a very reasonable price. For the same cost as purchasing the large, 6' trees, the sale could offer at a minimum 10 times as many trees and better satisfy resident demand. Bare root trees are inexpensive, easy for residents to transport in their cars, and easy to plant. For critical keystone species such as oaks, the survival rate is also much higher than potted trees
9. Mentions the Woodland Preservation Area. Has the city considered providing a public map of the Woodland Preservation Areas (WPA)? Right now, a homeowner might have no idea if part of their property is designated as a WPA. A homeowner cannot help protect trees and follow ordinance requirements if a WPA occurs on their property if it is not identified as such. How can the proposed ordinance fix the loophole: 25% of trees in a WPA can be cut, as stated in 7b? When a resident sells the property, the next homeowner can cut 25% of the trees even if the home is in a WPA?
10. Refers to a tree Species Rating System. Has the city considered updating the high priority and significant tree list to ensure that developers are not credited with saving invasive species or trees highly susceptible to known diseases, for example, ash trees? The list could include a rating system of climate resiliency and ecosystem functionality (how well does that tree species support wildlife). Has the city factored in keystone species (species of trees that provide the most

ecological function) and species that are predicted to be climate resilient? (See DNR document link below). Has the city considered using a rating system such as:

- the tree is native or not.
 - if the tree is considered a terrestrial invasive species or restricted noxious weed. The city could provide a published list to developers and homeowners.
 - if the tree is susceptible to a known pest such as dutch elm disease or emerald ash borer.
 - if the tree is considered undesirable and will impede growth of more desirable trees, for example, box elder.
11. Allows homeowners to clear cut their properties. Has the city discussed how this might affect the environmental resiliency of our city in the face of climate change? Could the proposed ordinance include a similar rating system for homeowners to help guide their decisions, such as a list of desirable trees (and explanation as to why they are desirable) and a list of undesirable trees (with explanations)? Has the city considered providing guidance and recommendations for tree removal on private property such as an extensive tree species removal list that includes all state-listed invasive terrestrial species and restricted noxious weeds, and undesirable native tree species such as box elder, ash, and elm? Homeowners might remove these species without any restrictions. A short list of high value, extremely desirable species such as oak trees would require similar replacement requirements as redevelopment. The city could develop habitat specific lists for homeowners such as trees for flooded areas, wet areas, dry areas etc. Those could be included in the ordinance and updated periodically as new climate resiliency information becomes available.
12. Does not seem to include tree protection monitoring and enforcement during redevelopment. Should the city strengthen the requirements for developers to protect trees during construction? Currently, protective fencing in the critical root zone is often removed for final grading, resulting in heavy equipment compacting soil on tree root systems. This negates any previous benefit of protection. Can the proposed ordinance improve the monitoring and enforcement of tree protection during construction such as periodic check-ins to ensure that adequate fencing is in place restricting activity in the critical root zone? Are the replacement requirements currently enforced? The city holds an escrow if builders violate the tree ordinance (harm or kill trees). Does the proposed ordinance cover what happens if builders do not follow through to ensure that new trees are planted to replace the ones lost? Has there ever been an example of when the city did not return the escrowed amount?
13. Does not seem to cover the long term assessment and metrics of ordinance outcomes. Should the city consider evaluating development projects 8 years or older to assess outcomes (tree loss) from construction? It takes at least 5-7 years for a large oak tree to die from construction-related damage. If we aren't measuring outcomes, how do we know if the current tree ordinance is working?

Additional Considerations

- The DNR has developed helpful material. Please review ([Trees Likely to Thrive](#) and [Best Yard Trees for Changing Climate](#)).
- Reviewing and discussing ideas from the Green Step Cities' [sample tree ordinance](#). (The city is a member of Green Step Cities.)
- Discuss whether all trees are equal in the value. For example, is there some rating system for tree species, or are all [non-invasive] species of trees "equal"?
- How might this ordinance be applied to restoration projects in parks, such as the Cullen Nature Preserve, where many trees will be removed? (The ordinance does apply to more than just development.) Should there be different considerations and criteria for projects like this that are part educational and research-oriented?

- Is the city subject to the same ordinance as others? Why or why not? Who holds the city accountable for their work in our forests?

We applaud the city for addressing the updating of the tree ordinance. The effects of climate change will clearly be a game changer for our city's forests. New ideas and behaviors will be required of all of us who live, work and recreate here. There are many questions needing further discussion as you can see from our very quick review.

We believe that the process of adopting the ordinance be slowed down so that there can be wider and more in-depth public discussion and education around the complex, weighty and nuanced issues.

From: Carol Schwarzkopf [REDACTED]
Sent: Thursday, September 30, 2021 10:51 AM
To: Susan Thomas <sthomas@minnetonkamn.gov>
Cc: Bradley Schaeppi <bschaeppi@minnetonkamn.gov>; Deborah Calvert <dcalvert@minnetonkamn.gov>; Susan Carter [REDACTED]
Subject: Tree Protection Ordinance

Hi- the link to the survey didn't work so here is my feedback on the proposed tree ordinance:

*First and foremost, I believe this process should be carefully considered and that we should consider what other cities have successfully implement as well as consider the GreenStep Cities Model Landscape Ordinance <https://greenstep.pca.state.mn.us/media/8>

*Please avail yourselves of the many bright scientific minds within the city that have spent their professional lives keeping up with best practices. They are our best resources!

*I'd like to know more about the Natural Resource Fund - The proposed ordinance requires a cash contribution to the natural resources fund for those mitigation trees that cannot be "fit" on a site....sounds like a good idea but how does that look in practice.

*Who enforces this ordinance-how is that data collected, stored, etc?

*Is there a separate ordinance for homeowners and developers? The GreenStep Cities AnyCity Landscape Guide seems to make sense as it "includes a comprehensive compilation of best practices and technical requirements. It is intended to serve as a one-stop portal of important information for all of the actors in the development review process."

*What about incentives? Would they help to encourage homeowners and developers toward best practices?

Thanks for making this a priority-I know it's been a necessary step for many years.

Respectfully,
Carol Schwarzkopf
[REDACTED]

**EXAMPLE LIST - DOES NOT INCLUDE
ALL POSSIBLE SPECIES**

Priority Tree Species List

Determining the level of protection for individual trees will be subject to staff approval based on community goals and site-specific considerations. In general, native deciduous trees will be prioritized over non-native trees and conifers, and slower growing trees (e.g. oak species, ironwood) will be prioritized over faster growing or pioneer tree species (e.g. boxelder and cottonwood). No trees will be protected if they are included on the prohibited, restricted, or specially regulated noxious plant list maintained by the MN Department of Agriculture under Minnesota Statutes 18.75-18.91 (e.g. black locust, Amur maple).

Examples of priority species, dependent on habitat or site conditions (in alphabetical order):

Deciduous Upland Tree Species

- Aspen
- American basswood
- Black walnut
- Bur oak
- Elm (disease resistant only)
- Hackberry
- Honeylocust
- Kentucky coffeetree
- Northern pin oak
- Ohio buckeye
- Red maple or hybrids
- Red oak
- River birch
- Sugar maple
- Swamp white oak
- White oak

Deciduous Lowland Tree Species

- Elm (disease resistant only)
- Hackberry
- Paper birch
- Red maple or hybrids
- River birch
- Silver maple
- Swamp white oak

Large shrub/small stature trees *

- American hazelnut
- American plum
- Bitternut hickory
- Black cherry
- Butternut
- Chokecherry
- Gray dogwood
- Hawthorn
- Ironwood
- Japanese tree lilac
- Nannyberry
- Pagoda dogwood
- Serviceberry (Juneberry)
- Speckled alder

Coniferous Trees

- Austrian pine
- Balsam fir
- Black Hills spruce
- Canadian hemlock
- Norway spruce
- Ponderosa pine
- Red cedar (*Juniperus virginiana*)
- Red pine
- Scotch pine
- Tamarack (deciduous conifer)
- White cedar (*Thuja occidentalis*)
- White fir
- White pine
- White spruce

*only if meeting diameter requirements

Summary Report

12 September 2021 - 11 October 2021

Minnetonka Matters

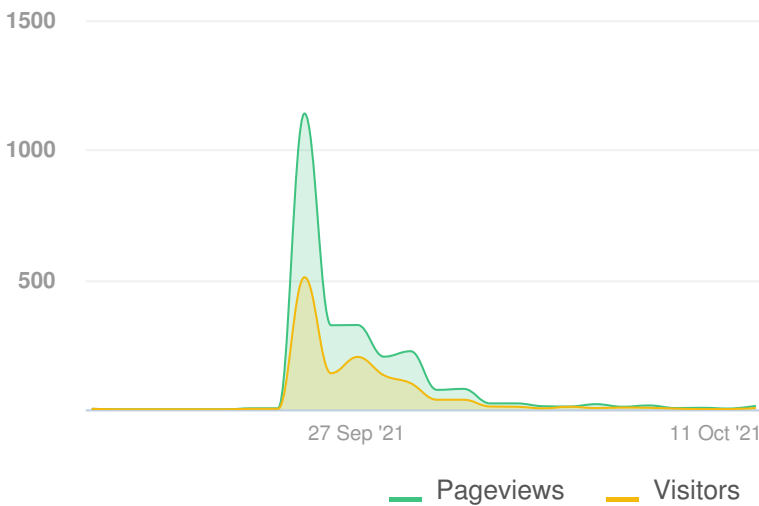
PROJECTS SELECTED: 1

Tree Protection Ordinance

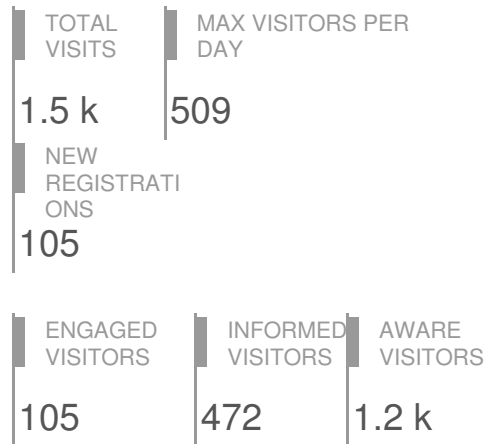
FULL LIST AT THE END OF THE REPORT



Visitors Summary



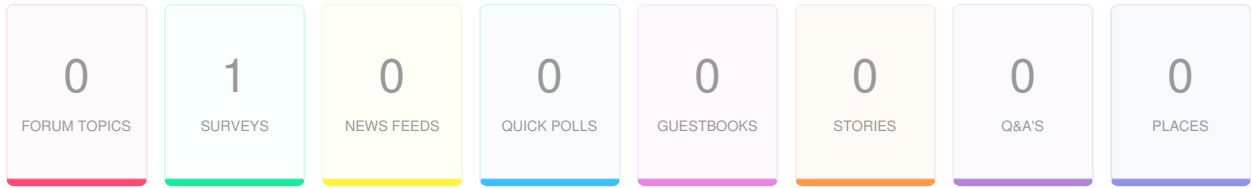
Highlights



PARTICIPANT SUMMARY

ENGAGED	105 ENGAGED PARTICIPANTS			(%)
	Registered	Unverified	Anonymous	
INFORMED	Contributed on Forums	0	0	0
	Participated in Surveys	105	0	0
	Contributed to Newsfeeds	0	0	0
	Participated in Quick Polls	0	0	0
AWARE	Posted on Guestbooks	0	0	0
	Contributed to Stories	0	0	0
	Asked Questions	0	0	0
	Placed Pins on Places	0	0	0
	Contributed to Ideas	0	0	0
	<i>* A single engaged participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Tree Protection Ordinance 105 (9.1%)				
ENGAGED	472 INFORMED PARTICIPANTS			(%)
		Participants		
INFORMED	Viewed a video	0		
	Viewed a photo	0		
	Downloaded a document	291		
	Visited the Key Dates page	0		
	Visited an FAQ list Page	0		
	Visited Instagram Page	0		
AWARE	Visited Multiple Project Pages	211		
	Contributed to a tool (engaged)	105		
	<i>* A single informed participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>
Tree Protection Ordinance 472 (41.0%)				
ENGAGED	1,152 AWARE PARTICIPANTS			
		Participants		
INFORMED	Visited at least one Page	1,152		
AWARE	<i>* Aware user could have also performed an Informed or Engaged Action</i>			<i>* Total list of unique visitors to the project</i>
Tree Protection Ordinance 1,152				

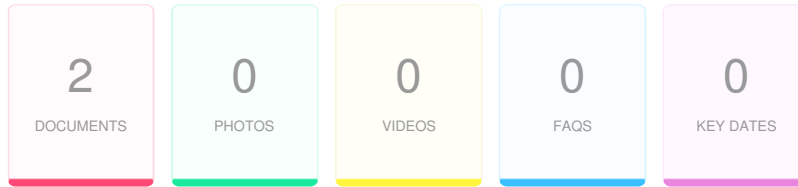
ENGAGEMENT TOOLS SUMMARY



SURVEYS SUMMARY	
1	Surveys
105	Contributors
105	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS
105 Contributors to Tree Protection Ordinance Survey

INFORMATION WIDGET SUMMARY



DOCUMENTS	
2	Documents
291	Visitors
474	Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS	
460 Downloads	14 Downloads
Proposed Tree Protection Ordinance	Tree Canopy Study

TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
Inks.gd	702
nextdoor.com	81
content.govdelivery.com	45
m.facebook.com	28
www.minnetonkamn.gov	28
www.google.com	21
patch.com	15
t.co	11
lm.facebook.com	6
l.facebook.com	4

SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Tree Protection Ordinance	1152	472	105

Tree Protection Ordinance Survey

SURVEY RESPONSE REPORT

07 June 2021 - 11 October 2021

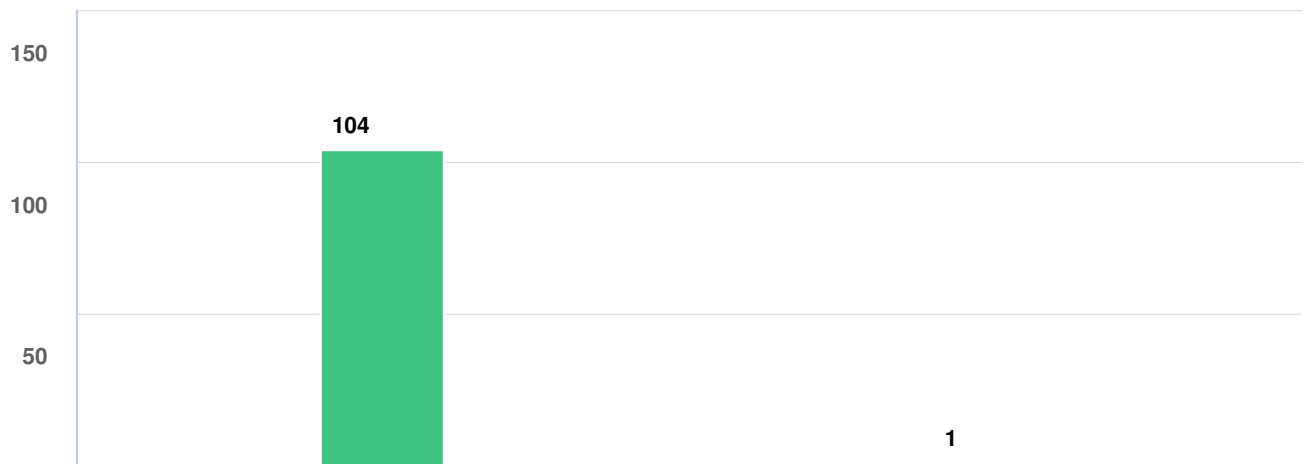
PROJECT NAME:

Tree Protection Ordinance



SURVEY QUESTIONS

Q1 Are you a resident of the City of Minnetonka?



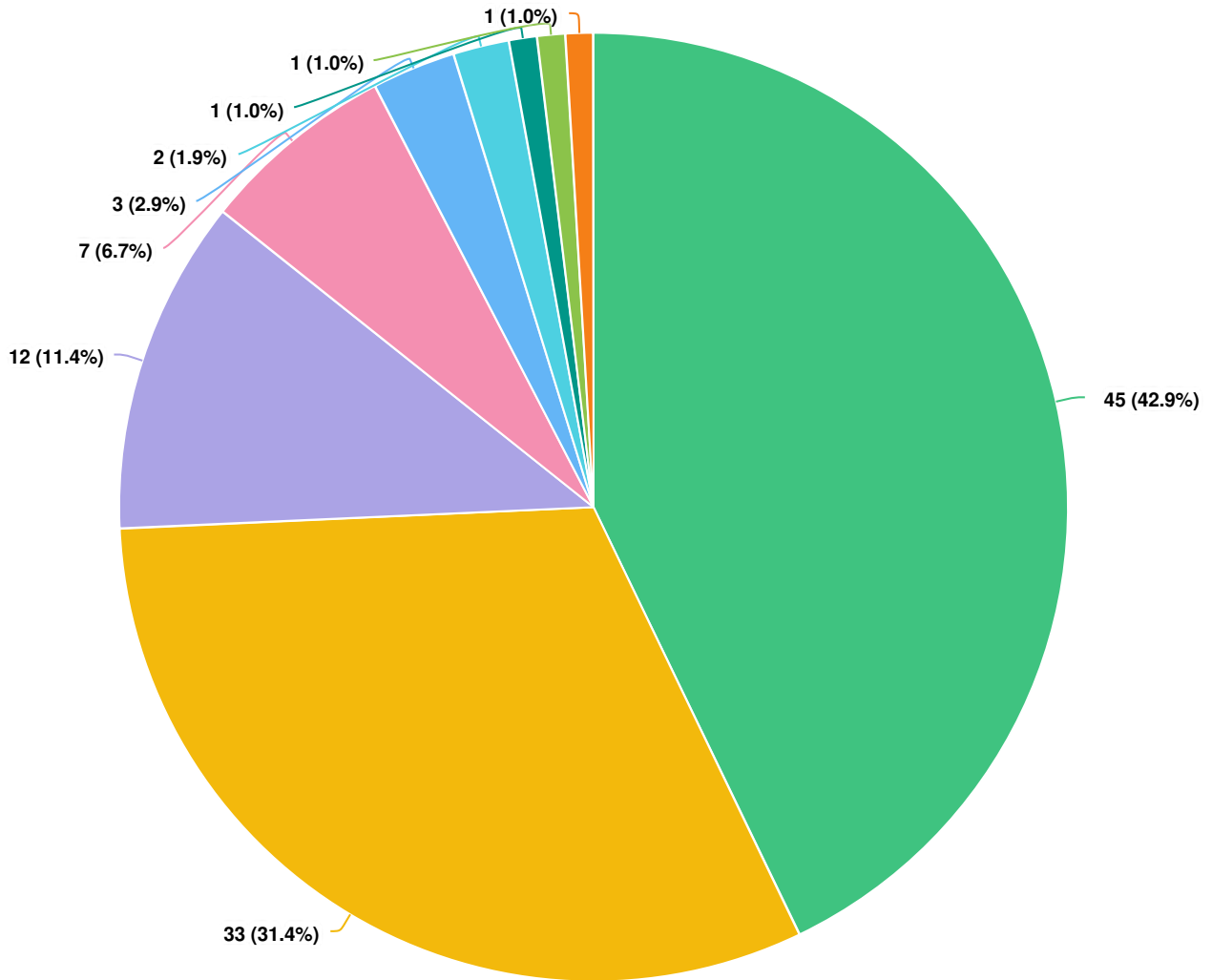
Question options

- Yes
- No

Mandatory Question (105 response(s))

Question type: Checkbox Question

Q2 What is your zip code?

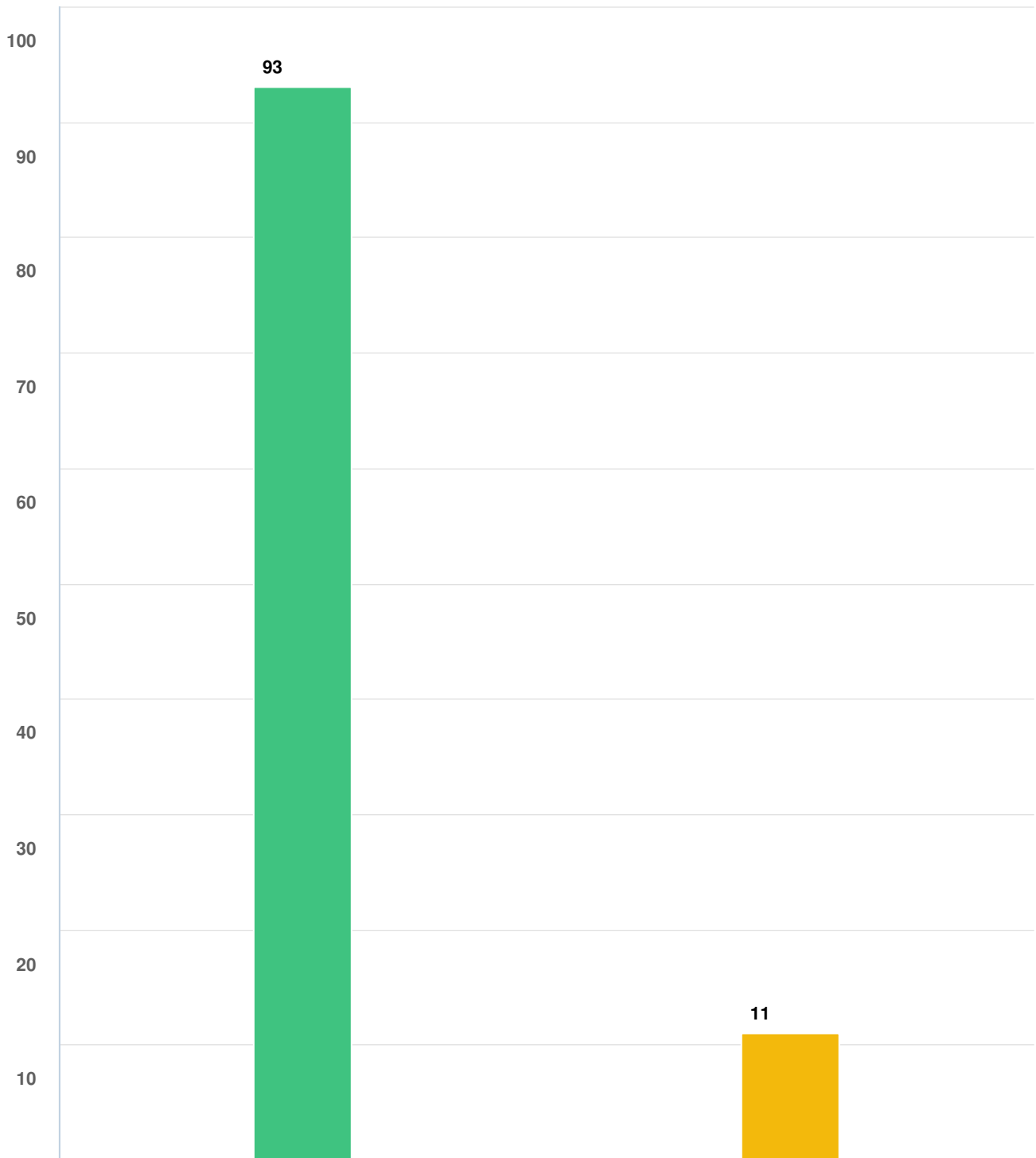


Question options

- Minnetonka, MN 55345
- Minnetonka, MN 55305
- Minnetonka, MN 55343
- Wayzata, MN 55391
- Hopkins, MN 55343
- Hopkins, MN 55345
- Hopkins, MN 55305
- Excelsior, MN 55331
- Deephaven, MN 55391

Mandatory Question (105 response(s))
Question type: Region Question

Q3 Are you aware of the city's tree replanting efforts, including the annual tree sale, memorial tree planting and volunteer parking planting events?

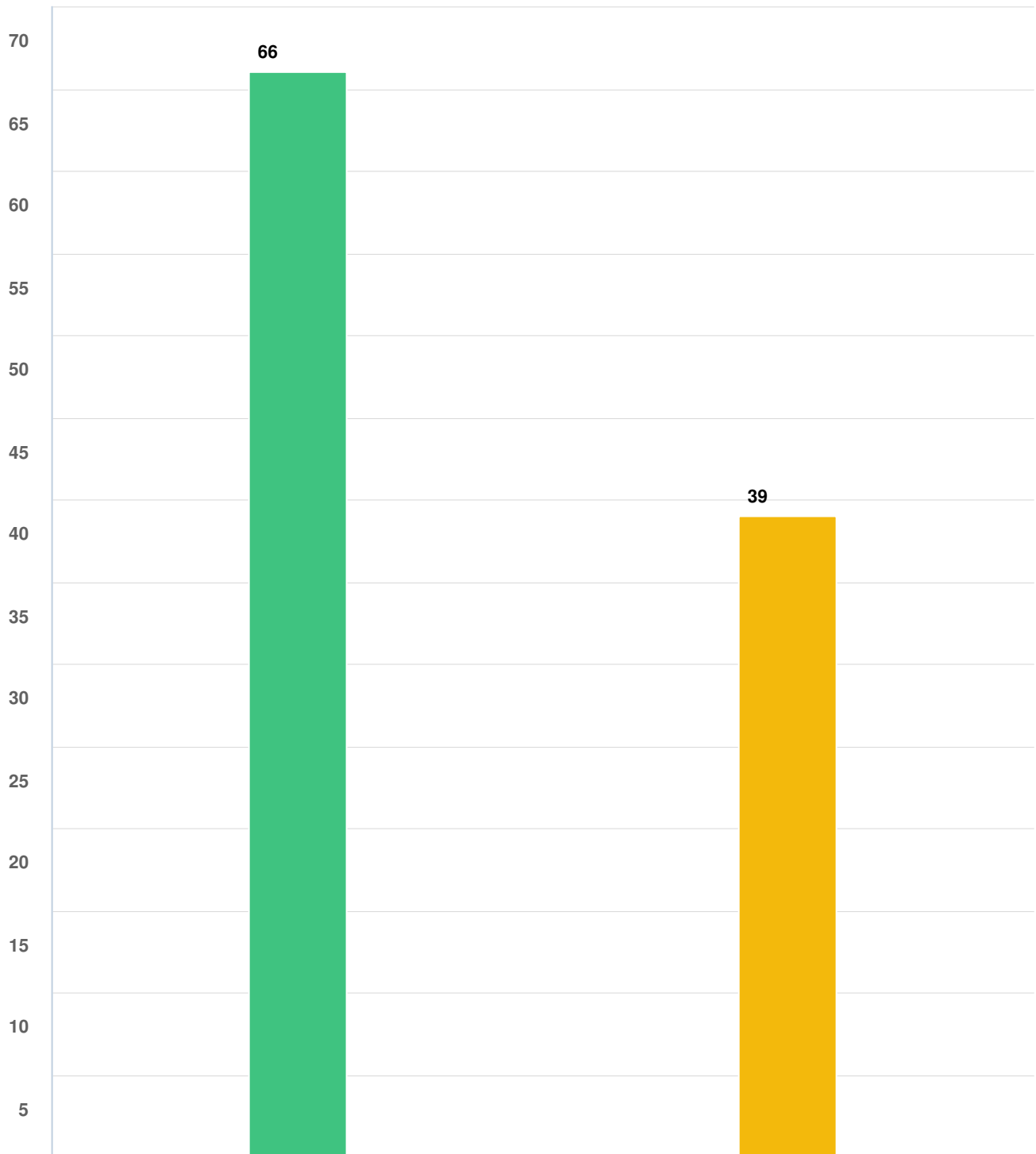


Question options

- Yes
- No

*Optional question (104 response(s), 1 skipped)
Question type: Checkbox Question*

Q4 Are you familiar with the city's Plant Pest Program and efforts to manage tree diseases?



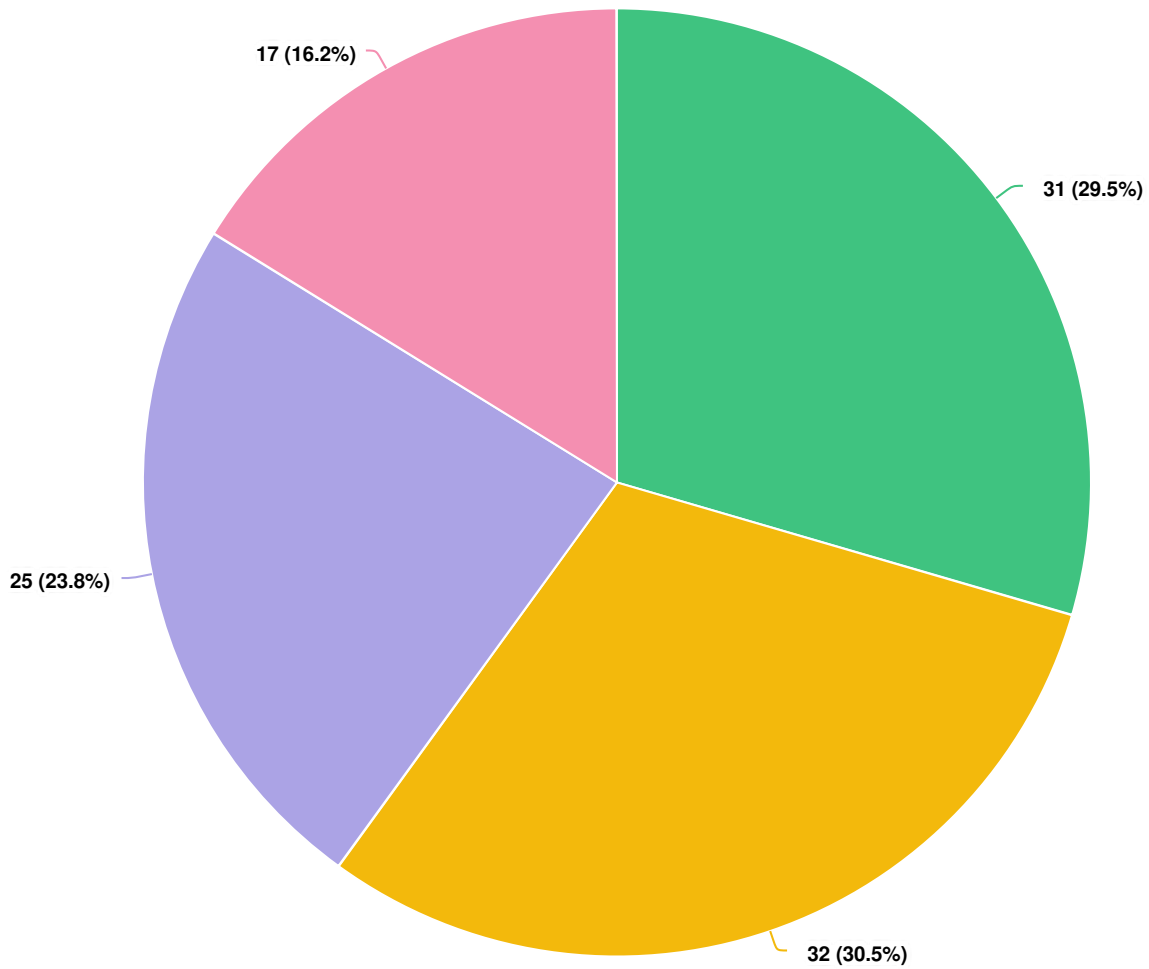
Question options

- Yes
- No

Optional question (105 response(s), 0 skipped)

Question type: Checkbox Question

Q5 What do you consider the most important when it comes to tree protection?



Question options

- Limiting tree removal
- Maintaining the existing tree canopy
- Expanding the tree canopy
- Other (please specify)

Optional question (105 response(s), 0 skipped)
Question type: Dropdown Question

Q6 What do you believe are the greatest threats to the community's tree and tree canopy?

Gayle

9/24/2021 06:13 AM

New construction

aaronscholl2009

9/24/2021 06:13 AM

New construction homes

Trish22

9/24/2021 06:19 AM

Developers and home builders

Teeps

9/24/2021 06:21 AM

Tree infestations, Tree removal with new building

dougandsandyjohnson

9/24/2021 06:23 AM

Redevelopment tree removal; both residential and commercial.

ldtmtka

9/24/2021 06:27 AM

Home construction, both new and remodeling. Lot subdivision and larger homes

Timmington

9/24/2021 06:29 AM

Tree removal for building

alexkossett

9/24/2021 06:31 AM

Development, pests, and climate change

Bob

9/24/2021 06:31 AM

Unnecessary and illegal tree removal be developers and replacement of trees that have died due to climate change

Jayna Locke

9/24/2021 06:31 AM

Climate change, pests, and development

LB

9/24/2021 06:32 AM

Disease and development

Lisa

9/24/2021 06:35 AM

Removal due to development, climate change, invasive pests

mollystern

9/24/2021 06:36 AM

Climate Change, Development

jimlind

9/24/2021 06:39 AM

Plant diseases compounded by climate change as well as new construction and expanded roads removing well established trees.

Amy Duncan Lingo

9/24/2021 06:53 AM

Climate, pests, uncontrolled (thoughtless) building, single sex species of trees (makes allergies so much worse)

Singing Bear

9/24/2021 07:06 AM

Construction

Jim H

9/24/2021 07:15 AM

Pests and development involving tree removal

Michael

9/24/2021 07:18 AM

Lack of new tree planting is the greatest threat. Trees don't live forever and many die well before their time so start planting new trees along boulevards and roadways. You cannot win the battle through loss prevention.

tom tree

9/24/2021 07:19 AM

pest

JaxieBoy13

9/24/2021 07:29 AM

Tear downs of existing homes to build bigger homes that take up most of the lot

spumilia

9/24/2021 07:34 AM

The city.

farleyhm

9/24/2021 07:36 AM

disease

djgaley

9/24/2021 07:37 AM

disease

EC1

9/24/2021 07:39 AM

DeveDeveloper appetite for building and lack of progressive thinking on part of city officials and staff.

fhblab

9/24/2021 07:40 AM

pests/climate change

Jesseamber

9/24/2021 07:40 AM

Development, pests and diseases

Yockers

9/24/2021 07:47 AM

Climate change, lack of a more aggressive strategy to replace trees in Minnetonka

Kevin

9/24/2021 07:56 AM

Pests and development

Kade

9/24/2021 08:20 AM

New construction and home removal/new construction

agruber

9/24/2021 08:20 AM

Residential, commercial, and agricultural expansion at the expense of natural habitat

lucdave

9/24/2021 08:34 AM

neighbors not taking prevention for emerald ash borer, new development not saving some trees

Citizen

9/24/2021 08:45 AM

I suspect that climate change will hit some of our trees hard due to temperature stress and different insects. Anything we can do to enhance resilience is worth considering.

Chuck

9/24/2021 09:01 AM

New construction and redevelopment

Betty & Don Cooke

9/24/2021 09:17 AM

Land development and tree diseases. We are particularly concerned about potential tree removal due to land developers.

kvv

9/24/2021 09:22 AM

Residents who do not share the city's respect for trees

Peg Houle

9/24/2021 09:31 AM

Overdevelopment and climate change are the greatest threats.

Jay

9/24/2021 09:45 AM

Climate change. Tree pests and disease.

mdvorak

9/24/2021 09:50 AM

Tree disease

KAW

9/24/2021 09:54 AM

New Construction! So many trees are taken down for multiple houses that were previously a single home property.

dpdeering

9/24/2021 09:54 AM

Subdividing Lots

Parkyj1

9/24/2021 09:58 AM

Building all these new apartment buildings in the Opus area

Kimh

9/24/2021 10:21 AM

Development putting in short lived trees, and NOT managing buckthorn and replacing w natives on project sites.

KathyP

9/24/2021 10:34 AM

Insect infestation buckthorn

BLH

9/24/2021 10:37 AM

Climate change, development and above-ground power line trimming

pcradell

9/24/2021 10:37 AM

Residents not taking care of their woods, invasive species, and development

SHarvey

9/24/2021 10:49 AM

Development, invasive species, climate change and disease

tcbrown

9/24/2021 11:14 AM

Developers and the failure by city councils to hold them accountable (a developer can promise x number of trees but then, after approval, change plans). Failure to inoculate trees at risk. Stupidity.

Eric

9/24/2021 11:49 AM

Global warming; invasive species competition; inadequate investment in tree planting; lack of education of populace about planting trees to mitigate global warming.

Mary R

Cutting on private property; once wooded lots are being turned into

9/24/2021 12:41 PM

stretches of grass.

Dale

Disease

9/24/2021 01:49 PM

Robert Werner

Invasive tree pests

9/24/2021 02:08 PM

Klwenne

Construction/developers/road widening

9/24/2021 03:37 PM

BDB

Age of the trees

9/24/2021 05:18 PM

Ruth Carp

development

9/24/2021 05:19 PM

Cate

construction and development, climate change, pests

9/24/2021 05:19 PM

Larry Koch

New construction that causes removal of existing trees unnecessarily.

9/24/2021 06:25 PM

Gilman77

Development and pests

9/24/2021 07:51 PM

Diane Bancroft

pests and new developments

9/24/2021 09:33 PM

CelticChica

Removing what may be considered "low value" trees in parks like box elders, which provide protection during drought conditions

9/24/2021 09:54 PM

joshnpowell

Pests, disease, and development

9/25/2021 03:39 AM

Kj.anderson3311

Diseases, Development, Pests,

9/25/2021 06:19 AM

Nikki W

New developments and disease

9/25/2021 06:46 AM

Berris

Climate change and pests

9/25/2021 06:58 AM

Raven

New construction

9/25/2021 07:08 AM

nature_nel

No restrictions placed on homeowner removals after two years. No metrics to determine whether trees protected during construction are still alive seven years later. Invasive species and the mismanagement of land resulting in tree injury or loss.

9/25/2021 08:43 AM

Ang

Climate change, development, disease, invasive species

9/25/2021 09:53 AM

lindamtka

Invasive species that are not well managed (buckthorn, honeysuckle, mulberry, etc).

9/25/2021 09:56 AM

Beth Baldwin

Climate changes due to human generated pollution; uninformed community members and lack of taking action to help out; grass lovers who favor a watered green lawn over community members who take ecological action to help our trees & see it as a civic duty

9/25/2021 03:47 PM

LuAnne K

Redevelopment

9/25/2021 05:23 PM

Sonialabs

Construction, new development, and pests

9/25/2021 05:38 PM

dralidvm

construction

9/25/2021 06:25 PM

Burwell Drive

removal of trees for building expansion of existing and new construction

9/25/2021 06:41 PM

Arborist

Residents, commercial properties, and the city removing trees with no replanting

9/25/2021 08:32 PM

Gitchigumi

9/26/2021 09:56 AM

New Construction takes down well established trees and replants small trees which destroys the canopy for years

FredReu

9/26/2021 10:02 AM

Pests and poorly planned development

Cheryl

9/26/2021 12:22 PM

Developers and housing development cutting down trees.

JaneT

9/26/2021 12:34 PM

lack of education for Minnetonka residents about trees and tree canopy

bvos1

9/26/2021 07:11 PM

over development, poor buckthorn control, poor re-planting plan

Hannam01

9/27/2021 06:13 AM

Climate change, disease

Edmallam

9/27/2021 06:25 AM

Disease and climate change are problematic, but cutting down healthy oaks of all sizes is most upsetting to me.

Sharon or Dave Barczak

9/27/2021 03:57 PM

Lack of community investment in maintaining the city wide grove of trees. Tree farms and plantations thrive with proper care, cultivation and management.

Foster

9/28/2021 05:32 AM

Residential and commercial development within the city, new and existing pests

Kjohnson4790

9/28/2021 07:25 AM

Developments/construction and tree removal

Data Analyst

9/28/2021 10:42 AM

Severe weather, wind, pest, disease, drought, children/teens vandalizing trees, homeowner don't care or not willing to protect tree due to cost, insurance agents requesting to remove branches or tree that too close to structure for insurance requirements.

Chamberlainsuerth

9/28/2021 11:06 AM

Lack of knowledge to tree care/maintenance, development, disease, pollution/environmental changes, ecosystem imbalance

Chris

9/28/2021 01:15 PM

Development

JRG

9/28/2021 02:20 PM

Not having a strong ordinance and enforcing it. Why would we lower the maximum penalty for removal of an important tree from \$5,000 (current ordinance) to \$2,000? This makes no sense.

adidab210

9/28/2021 04:50 PM

Pests and insects

husker70

9/28/2021 05:25 PM

Buckthorn

Minnetonka33

9/28/2021 07:36 PM

Pest and disease.

pschuster

9/28/2021 08:14 PM

disease, construction, environmental impacts, non-sustainable treatments

joysesshore

9/29/2021 07:54 AM

Commercial / Residential development

sally

9/29/2021 09:33 AM

people not being educated about what is native and what real restoration looks like and entails. it's more than removing buckthorn and mustard garlic.

AmyP

9/29/2021 07:03 PM

The city council and it's bowing to developers every time there is an issue

thomas

9/30/2021 06:44 AM

development of large areas without regard to the trees

V84

9/30/2021 08:28 AM

Pests, lack of new planting for future

Terry

9/30/2021 10:21 AM

Internet communications systems seem to be a big threat. Monopoly in the making, Comcast/Affinity, is wanting trees removed so they can bury cables.

SBressler

9/30/2021 10:59 AM

development of wooded property and diseases

Jacksmom

9/30/2021 12:50 PM

Folks removing healthy trees. Also climate change

Jolie

10/02/2021 07:38 AM

Site-razing Development that kills an inordinate amount of trees. Apartment complexes. Untrained trimmers hired by City who negligently manage trimming near electrical lines. Disease from insects.

boxelder

10/03/2021 09:58 PM

disease

CoroHome

10/05/2021 02:11 PM

Development/removal of trees

Optional question (102 response(s), 3 skipped)

Question type: Single Line Question

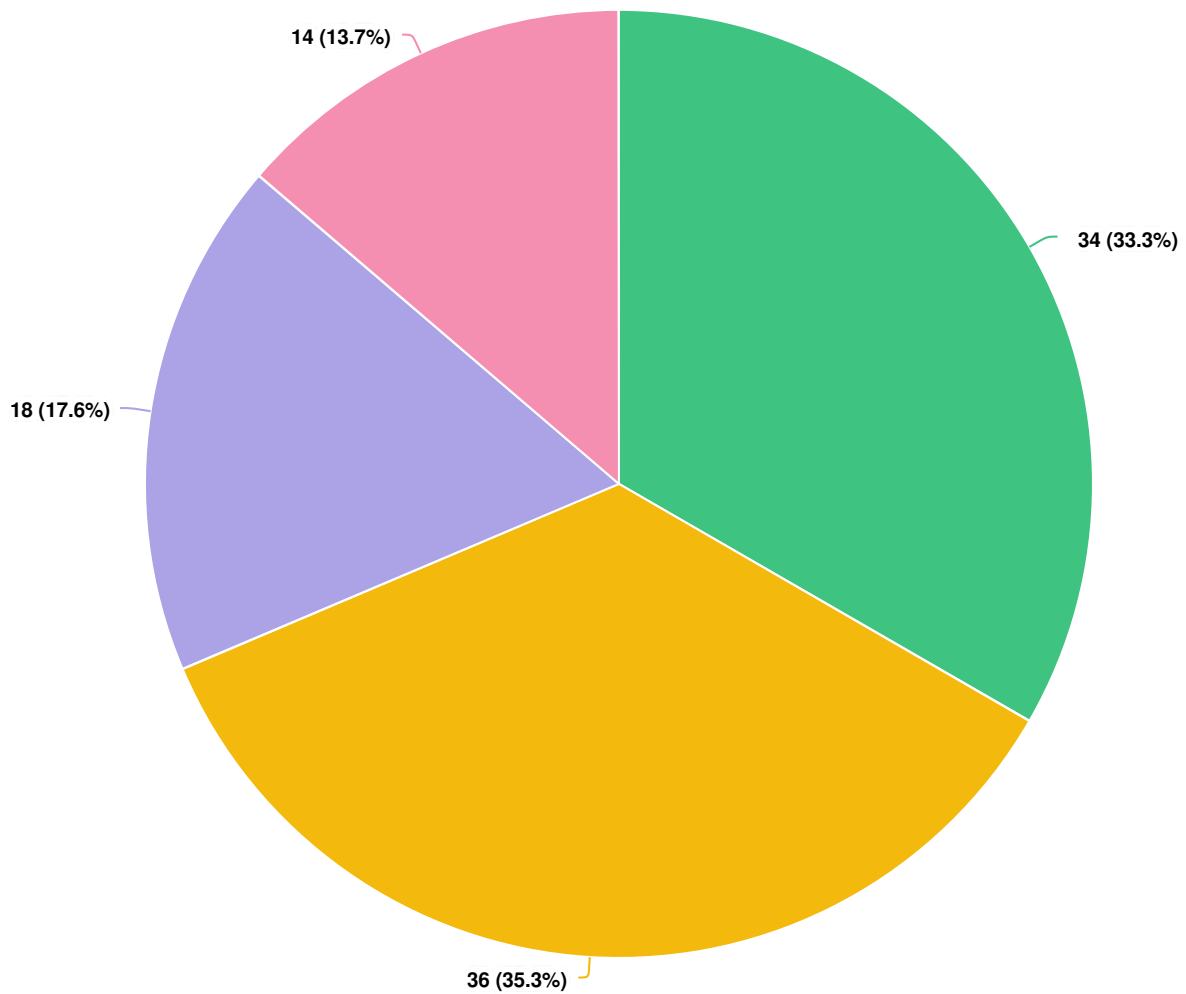
Q7 | How impactful do you believe the city's tree policies and regulations are in preserving trees in the community?

OPTIONS	AVG. RANK
3 - Neutral	1.28
4 - Impactful	1.42
2 - Not impactful	1.50
1 - Not at all impactful	1.57
5 - Very Impactful	1.67

Optional question (94 response(s), 11 skipped)

Question type: Ranking Question

Q8 Under the existing tree protection ordinance, single-family homeowners are allowed to remove trees on their properties without city review. (However, trees located in conservation easements cannot be removed.) Should the proposed ordinance:



Question options

- Use incentives to persuade property owners to plant more trees
- Establish restrictions to limit tree removal on private, single-family home property
- Take a neutral stance on tree removal on private, single-family home property
- Other (please explain)

Optional question (102 response(s), 3 skipped)
Question type: Dropdown Question

Q9 | As drafted, the proposed tree protection ordinance would change the limits for the removal of deciduous trees over four inches in diameter and coniferous trees over 10 feet in height during: Subdivision of property; Development/construction of new buildings (including single-family homes) and redevelopment (the removal and reconstruction of a building, including single-family homes). Do you think limiting tree removal during these activities is an appropriate? Please explain.

Gayle

9/24/2021 06:13 AM

Yes because new owners need to understand the significance of large trees to our community.

aaronscholl2009

9/24/2021 06:13 AM

Yes

Trish22

9/24/2021 06:19 AM

Absolutely! The City needs to do a much better job of limiting removal of trees and close loop holes that developers work around. I cringe every time I think of all the old growth trees Cudd was allowed to cut down at the farm on Orchard Road. I'm sure it's happening all over the City.

Teeps

9/24/2021 06:21 AM

Policies should limit the number and size of trees permitted to be removed during construction and re-development

dougandsandyjohnson

9/24/2021 06:23 AM

Absolutely. It might also include other activities on the property such as shed, fence, deck, patio, permanent swimming pool construction. Those activities in our neighborhood have resulted in significant tree removal.

ldtmtka

9/24/2021 06:27 AM

Yes

Timmington

9/24/2021 06:29 AM

Yes. We have lived here for 30 years and have sadly watched too many healthy trees be removed for construction of homes or simply to have grass lawn.

alexkossett

9/24/2021 06:31 AM

Yes. These activities are destructive to our common environment. It only makes sense for there to be limits and reviews in place.

Bob

9/24/2021 06:31 AM

Yes, we all must do our part to preserve the environment of our city, state, country and of the planet

Jayna Locke

9/24/2021 06:31 AM

Yes, we should have limits on tree removal during subdivision and construction.

LB

9/24/2021 06:32 AM

Yes, tree protection is an important part of what the city is, and we want to maintain and for the future.

Lisa

9/24/2021 06:35 AM

Yes, I think greater impact would result from limits on tree removal due to subdivision and new builds rather than limits on single tree removal on established residential lots. Incent planting on established lots rather than punitive measures.

mollystern

9/24/2021 06:36 AM

Yes appropriate. All hands on deck to preserve the canopy.

jimlind

9/24/2021 06:39 AM

In general I agree, though the health of the tree (as determined by a city forester), not just the size, should be taken into consideration.

Susan Goll

9/24/2021 06:51 AM

Yes very appropriate

Amy Duncan Lingo

9/24/2021 06:53 AM

Llimiting is appropriate but there should be a waiver process and not just a flat out denial.

Singing Bear

9/24/2021 07:06 AM

Absolutely

Jim H

9/24/2021 07:15 AM

Since Minnetonka is fully developed, I believe we really need to limit major property changes and tree removal

Michael

9/24/2021 07:18 AM

No it is not appropriate. A simple 1:1 strategy of removal and replacement is all that is necessary. For each tree removed, simply plant another. You cannot successfully regulate this initiative. The city must immediately start planting new trees so that tree loss (assuming we are actually losing our trees) is not an issue in the

future.

tom tree

9/24/2021 07:19 AM

No.

JaxieBoy13

9/24/2021 07:29 AM

Yes. Lately there seems to be a trend to build large homes in area, with total disregard to tree removal. Our trees help make Minnetonka a beautiful city; we do not want to become a Plymouth or Lakeville or even a Chanhassen (ie. treeless home development on Prince's former land)

spumilia

9/24/2021 07:34 AM

No. I do not see a problem which requires more ordinances and more regulation.

farleyhm

9/24/2021 07:36 AM

Old trees will not be replaced in our lifetime. They should be preserved.

djgaley

9/24/2021 07:37 AM

Yes, appropriate, but with a provision similar to wetlands for replacement at alternate locations. On heavily wooded sites, some amount of clearing is necessary.

EC1

9/24/2021 07:39 AM

Yes but invasive species should not be a part of the limiting. Need to qualify the importance of the tree species.

fhblab

9/24/2021 07:40 AM

Yes, limiting removal is important. To maintain the existing canopy, anything removed must be replaced.

Jesseamber

9/24/2021 07:40 AM

I took down two large trees when I remodeled my home. It was not a decision I took lightly and I would not have wanted the city to restrict my ability to do so. On the other hand, a new neighbor in a subdivision adjacent to me says he doesn't like trees so he cut down a bunch of established trees so he could grow a better lawn. No restrictions there as the subdivision process was already completed. Every situation is different so blanket rules are hard to apply. Also there is a huge difference between work done by developers during subdivision (which I deem to be one of the largest threats to our community) vs work being done by homeowners. Place restrictions on developers and flippers, and less on actual residents.

Yockers

9/24/2021 07:47 AM

Yes

Kevin

9/24/2021 07:56 AM

Yes, it is too easy just to remove all and build

Kade

9/24/2021 08:20 AM

Very appropriate, should continue after home is built.

agruber

9/24/2021 08:20 AM

Yes. It takes years for new trees to establish and grow. When construction sites clear cut all trees to make construction easier, it makes the whole site very ugly. The beauty of the huge old trees can't be replaced for decades. Huge amounts of carbon are released with the removal and destruction of the existing trees. Old trees provide a bigger canopy, food source, and habitat for many more species than any small replanted trees can provide. There likely needs to be some removal to facilitate proper access or landscape design, but just like we protect historic old buildings from being destroyed, developers can learn to protect natural elements as well.

lucdave

9/24/2021 08:34 AM

yes

Citizen

9/24/2021 08:45 AM

The size limits strike me as a bit low, but the principle makes sense.

Chuck

9/24/2021 09:01 AM

Yes. The first priority should be to preserve existing trees. If hardship is established, then tree replacement may be an option.

K

9/24/2021 09:03 AM

No. The city should not have powers that deny private property owners the right to decide which trees can be removed!

Betty & Don Cooke

9/24/2021 09:17 AM

Yes we definitely think limiting tree removal during these activities is very appropriate. We have many beautiful established trees in Minnetonka which we value for environmental beauty and privacy, and we want to see that legacy continue.

kvv

I see too many lots purchased, perfectly good houses torn down,

9/24/2021 09:22 AM

trees clear cut, and oversized houses built. In addition, the 100+ year old trees removed often cannot be replaced in the remaining landscape.

Peg Houle

9/24/2021 09:31 AM

Yes, this is appropriate as it will eliminate the possibility of a developer clear-cutting an area.

Jay

9/24/2021 09:45 AM

It is appropriate. Trees add economic and property value. Air quality value. Micro-climate value. Wildlife value.

mdvorak

9/24/2021 09:50 AM

yes

KAW

9/24/2021 09:54 AM

I think when new construction is happening in a previously well treed lot. . Replace if trees are taken due to expansion.

dpdeering

9/24/2021 09:54 AM

Absolutely. Many of us purchased our homes based upon the beauty of the trees on the property, and the wooded atmosphere of the broader neighborhood. subdividing lots and clearing out trees especially for tear down home construction can change the entire feel of a neighborhood if not done thoughtfully.

Parkyj1

9/24/2021 09:58 AM

Within reason. I am more concerned about apartment building

Kimh

9/24/2021 10:21 AM

Yes. Also, should REQUIRE developers to remove all buckthorn on their site correctly, AND replace with mature native plants. Costly, but absolutely necessary to allow for expanding tree canopy.

KathyP

9/24/2021 10:34 AM

Our lot originally was covered with box elder trees, elm trees and way to many buckthorn trees. Over the years the box elder trees have leaned in towards our home and we have had to trim or remove them , the elms have become diseased and have had to remove them and the buckthorn has been very invasive . We have removed them and planted pine and birch trees .

BLH

9/24/2021 10:37 AM

Certainly....but this saddles some new homeowners with trees that were originally planted in the wrong place, due to poor design, needed driveway changes, too close to power lines, etc. Some

original owners loved trees a bit too much and ended up with unnatural, but personal arboretums of their own. Need permitted flexibility!

pcradell

9/24/2021 10:37 AM

Yes, I do. Some trees in Minnetonka are over 100 years old. They are part of the city's history and necessary to control climate change. Homeowners should be required to maintain their woodlands and prairies to a standard. Remove dead or diseased trees, invasive plants, and replant indigenous trees and plants. Our neighbors are destroying the woodland buffer which is on their property. They do not take care of it and what once was full of natives is overrun. They leave down trees and do not replace them.

SHarvey

9/24/2021 10:49 AM

Yes, because trees are important to human and nonhuman health, and too often developers and homeowners just cut them down because working around them is more difficult.

tcbrown

9/24/2021 11:14 AM

Any tree removal during development/construction/redevelopment should (1) always require city approval; (2) be difficult to obtain approval for; (3) strictly monitored and penalty assessed and enforced. If someone purchases land they should be required to maintain the canopy on that land. If they do not want to do so, they should not buy that land. In subdividing property no tree removal should be allowed. It is, after all, unnecessary.

Eric

9/24/2021 11:49 AM

Yes, it avoids clear cutting properties. Specific tree types are less important than quantity and size. But people and developers only care that the buildings are sited right on the properties. And some people prefer different tree types from other people (conifers, exotics, smaller deciduous for fewer leaves). This shouldn't matter to the City.

Mary R

9/24/2021 12:41 PM

The native trees are what keeps Minnetonka separate from other suburbs. Please set aggressive limits on tree removal.

Dale

9/24/2021 01:49 PM

Yes

KIwenne

9/24/2021 03:37 PM

Yes, preserve larger trees and plant more in other areas when unable to preserve

BDB

9/24/2021 05:18 PM

Maybe, They have incentive to keep as many trees a possible because it adds value to the lots. Not sure the City needs to regulate. There are just not that many developments occurring in Minnetonka, it's pretty much built out.

Ruth Carp

9/24/2021 05:19 PM

Definitely. Otherwise we will continue to lose trees. This has already happened in my neighborhood. A neighbor was panning to remove another tree & I begged her not to do that. So far she has not cut that one down.

Cate

9/24/2021 05:19 PM

Yes, it is appropriate and necessary in order to retain the Minnetonka environment that we all moved here for and that makes us unique among suburbs. Also, existing trees contribute to clean atmosphere and to the maintenance of the current ecosystems. I would also like the council to maintain Minnetonka's commitment to limiting development in general. I don't want to live in another Bloomington!

Larry Koch

9/24/2021 06:25 PM

Yes - Minnetonka's trees need protection that construction companies, architects, and residents many not provide, placing construction placement and development over the need to maintain a healthy tree population.

Gilman77

9/24/2021 07:51 PM

Yes. I think if you start allowing developers to cut down whatever they want, trees will not be any priority to them.

Diane Bancroft

9/24/2021 09:33 PM

yes, but each case should be looked at

CelticChica

9/24/2021 09:54 PM

Yes, to preserve the unique character and benefits inherent in the city of Minnetonka.

joshnpowell

9/25/2021 03:39 AM

Yes, limiting tree removal associated with property development is an important way to maintain the city's tree canopy.

Kj.anderson3311

9/25/2021 06:19 AM

Protecting our trees and the tree canopy is of benefit to the whole community.

Nikki W

9/25/2021 06:46 AM

Yes. Given how long it takes a newly planted tree to become established, I think preservation of existing trees is crucial to our community and the environment. That being said, requiring new trees to be planted at the time of development or shortly after would also benefit the community and the environment.

Berris

9/25/2021 06:58 AM

No. Unless the City owns the property, I do not believe that the City should have a right to restrict the owners rights to do what they want on their property. If the City wants to keep trees on private property, they should purchase the land instead of allowing developers to purchase it in the first place.

Raven

9/25/2021 07:08 AM

Yes. Replacing trees with buildings is not a good thing. New buildings should fit in with existing trees.

nature_nel

9/25/2021 08:43 AM

Yes, but it is dependent upon the context/ecology of the site and appropriate tree species. Consult with an ecologist when making recommendations to city council. If you are allowing CC to have some discretion in certain situations, the site-specific context is extremely important to take into consideration. Strengthen the requirements for developers to protect trees during construction. Currently, protective fencing in the critical root zone is removed for final grading resulting in heavy equipment compacting soil on tree root systems. This negates any previous benefit of protection. Witnessing redevelopment in my neighborhood over the past sixteen years, the ordinance requirements were not enforced. Trees have died because they were not properly protected. Fencing was not placed in the crz, elevations were altered, piling feet of soil on root systems, final grading further compacted soil on protected trees. Drive by any redevelopment site and the protected trees are buried in too much soil. At a glance this is evident because the natural trunk flare is missing, buried under soil. Please consider reviewing the specifications for soil removal/site stock piling. Too much soil is left on site and spread around during regrading altering the natural, pre-development grade and impacting trees. Replacement trees are suffering and not growing because of they were planted in highly compacted soils. The tree ordinance could include specifications for soil remediation. The City of Eagan has requirements for remediating soil compaction and adding compost. Improve the monitoring and enforcement of tree protection during construction such as periodic check-ins to ensure that adequate fencing is in place restricting activity in the critical root zone. Tree replacement requirements are not enforced. The city holds an escrow if builders violate the tree ordinance (harm or

kill trees) but does not follow through to ensure that new trees are planted to replace the ones lost. Evaluate development projects 8 years or older to assess outcomes (tree loss) from construction. It takes at least 5-7 years for a large oak tree to die from construction-related damage. We have four dead oaks in our neighborhood that died 7 years later after redevelopment. If we aren't measuring outcomes, how do we know if the current tree ordinance is working?

Ang

9/25/2021 09:53 AM

Yes it is important to balance development with tree canopy community benefits. It is extremely important to prioritize trees that will be resilient and provide benefit for the ecology of the city. Look at the DNR trees for climate resilience based on region of the state.

Beth Baldwin

9/25/2021 03:47 PM

Absolutely! So many of the land now available for development is wooded forested land of former larger estates being subdivided. it's a sad shame that all the trees are clear cut and grass planted. Each new home development should be required to have a tree preservation and mitigation plan approved by the City. I would also require any new developments or commercial construction to do buckthorn removal or contribute a certain percentage/amount to buckthorn removal for Minnetonka City government programs.

LuAnne K

9/25/2021 05:23 PM

Yes

Sonialabs

9/25/2021 05:38 PM

Yes

dralidvm

9/25/2021 06:25 PM

yes. Climate change is real. Birds are disappearing. We have a moral and ethical obligation to save as many trees as possible

Burwell Drive

9/25/2021 06:41 PM

Yes, though each plan will need review, it is important that property owner be aware of why their plans may not be accommodated, and to not allow building where trees have been removed before plans are proposed.

Gitchigumi

9/26/2021 09:56 AM

No. Removing trees is contributing to global warming and should be extremely limited. You can't replace a 75 year old oak with a 4 inch tree.

FredReu

9/26/2021 10:02 AM

Yes

Cheryl

9/26/2021 12:22 PM

Yes

JaneT

9/26/2021 12:34 PM

Yes, I do.

bvos1

9/26/2021 07:11 PM

yes--it is super sad to see the big trees cut just to put up a new house, we need more green space

Hannam01

9/27/2021 06:13 AM

Yes, particularly during redevelopment of single-family homes

Edmallam

9/27/2021 06:25 AM

Yes, that is appropriate, but once someone is moved in, they can still remove whatever trees they want, and that is deeply upsetting. In my small neighborhood alone, I have seen people removing a high percentage of their trees because they "didn't want the bugs." They moved here from downtown, and wanted a sterile environment. I moved here for the trees. New construction in my neighborhood has removed huge oaks to put in huge houses that take up most of the lot. At 13295 Inverness Rd, they replanted with sod, maple cultivars and arborvitae, which have very little ecological value in comparison. They were also planted in straight lines very close to the property boundary, which ruins the natural forest aesthetic of the neighborhood. It seems like they remove some trees because they are too lazy to work around them. My wife and I are good land stewards, and it is sad to be compelled to move elsewhere because of the changes in our neighborhood, and to think of what might happen to our oaks if we do move.

Sharon or Dave Barczak

9/27/2021 03:57 PM

Limiting tree removal of deciduous trees over four inches in diameter and coniferous trees over 10 feet in height should only apply to subdivisions by property developers or by longer-term homeowners sub-dividing their property beyond a simple lot split. A simple lot split by my definition is when a homeowner creates two house pads where there once was one house pad. A long-term homeowner is defined as someone who has owned and homesteaded the property for 5 years plus. Longer term residents should be treated differently from property development enterprises.

Foster

9/28/2021 05:32 AM

Yes

Kjohnson4790

9/28/2021 07:25 AM

Yes

Data Analyst

9/28/2021 10:42 AM

NOT Appropriate!!!! The problem is when current homeowners want to sell property to the new potential buyer will request reduce of purchase price due to the limitation the city giving the new homeowner for tree removal. If someone wants to add addition or new construction will find other means to damage the trees needed to rebuild or sue the city for lack of notice to protest.

Chamberlainsuerth

9/28/2021 11:06 AM

Yes. It appears to apply to trees that are more mature and may be providing current benefits. There is a development in progress near our home and unfortunately, at least 15-20 trees will be removed, some that are very large, 12" plus in diameter.

Chris

9/28/2021 01:15 PM

I don't think the government should dictate what property owners do on their property within reason.

JRG

9/28/2021 02:20 PM

Yes. Also, construction practices to limit damage to trees needs to be codified and enforced. Education is a key component. Also, I think it would be good to see some longevity to the restrictions - greater than 2 years .

adidab210

9/28/2021 04:50 PM

I believe limiting single family tree removal is not appropriate. If we focus on pests and regulation of new developments, homeowners will have freedom on their own land and I believe most people in Minnetonka see the value in the trees without strict regulation.

husker70

9/28/2021 05:25 PM

No

Minnetonka33

9/28/2021 07:36 PM

No. We oppose regulation on tree removal.

pschuster

9/28/2021 08:14 PM

Yes, without question.

joysesshore

9/29/2021 07:54 AM

This is reasonable and appropriate--you have created clear expectations on type and size considered.

sally

9/29/2021 09:33 AM

yes, I'm sorry to say that I have watched developers in my neighborhood remove too many trees to over develop a piece of property. I understand it cost to develop a space, but I have seen old oaks taken out; and small ornamental trees replacing them. the lovely rolling greens have turned into flat less interesting lawns that needed to be watered; in a season of drought. there should be more consideration to work around the trees that brought the developers in the first point.

AmyP

9/29/2021 07:03 PM

Yes, as I have stated above we have seen the city council bow to developers over the years as well as deciding paved bike lanes have more value than existing trees and shrubbery despite negative environmental impact. And when developers do get fines for removing trees that they should not have, ie Glen Lake, the fines are laughably minor.

thomas

9/30/2021 06:44 AM

there should be some effort to save the more valuable trees in these situations.

V84

9/30/2021 08:28 AM

No. As someone who built on an existing property, the current ordinances were very strict but allowed for common sense. Our home was adjusted to fit around existing trees. I do not think it would be fair to further restrict this without restricting everyone who is removing a tree within the city.

Terry

9/30/2021 10:21 AM

That is not a complete question... "...is an appropriate?"... an appropriate what? I do think limiting tree removal during stated activities are appropriate ordinances.

SBressler

9/30/2021 10:59 AM

Yes. The Bird Song development is a good example of why limiting tree removal is important.

Jacksmom

9/30/2021 12:50 PM

Yes. It takes years to get trees to that size

Nelsmister

Yes. Mature trees contribute in many ways to the ecosystem, from

10/01/2021 12:20 PM

air, temps, soil, water....these all influence the value of the community and as a community asset must be managed with good oversight. There are so many resources to help with planning and maintenance.

Jolie

10/02/2021 07:38 AM

Yes! It's cheaper for building companies to raze a site than to care for mature trees. But it decimates our neighborhoods and drastically changes the nature of Minnetonka. It MUST be managed! Zoning is allowing, eg., new senior facilities to completely remove the canopy in old, tree-sheltered neighborhoods, which drastically changes both the neighborhood and property values. This should also apply to the schools. MME killed/removed several gorgeous old-growth maple trees without any consequences and the school told our neighborhood the City doesn't have any authority to restrict these actions.

boxelder

10/03/2021 09:58 PM

No, Only in cases of subdivision of property.

CoroHome

10/05/2021 02:11 PM

Yes

Optional question (102 response(s), 3 skipped)

Question type: Essay Question

Q10 | Please provide comments about the specific requirements outlined in the draft ordinance.

aaronscholl2009

9/24/2021 06:13 AM

We need an ordinance about trees overhanging on homes from another property

dougandsandyjohnson

9/24/2021 06:23 AM

Extremely well written and reasoned ordinance. It strikes a good balance between the rights of property owners and the public health, safety and welfare interests.

ldtmtka

9/24/2021 06:27 AM

I am in agreement

Timmington

9/24/2021 06:29 AM

The woods we enjoyed when we chose to live in this area are disappearing due to development or residents simply preferring

grassy lawns thus removing mature healthy trees. It is very sad. Requiring "replacement " trees of a few small trees does not equal the removal of a wooded area. Please stop!

Bob

9/24/2021 06:31 AM

No comment

Jayna Locke

9/24/2021 06:31 AM

I applaud and approve. Let's protect our trees and natural habitat, and do our part to help prevent or reverse climate change. I don't know enough about what Minnetonka is doing to plant more trees, but I will be looking into it.

LB

9/24/2021 06:32 AM

I think the new draft requirements are good and needed.

Lisa

9/24/2021 06:35 AM

I have seen the negative impact of tree removal on subdivided property. The Hicks property on Mahoney Ave was clear cut, every single tree on a 5 1/2 acre wooded lot was removed. How was this allowed under the ordinance? One can only assume that the resulting storm water runoff incident last year (collapse of a large retaining wall supposedly built to prevent water flow issues and then water mitigation construction at what cost) was due to the removal of the trees on this lot. Plus it looks horrible. 3 wooded lots on Spring Lane were also essentially clear cut for development. Only 1 house has been built (with minimal tree replanting, so much for replacement requirements), the remaining 2 lots minus trees have become weedy overgrown bare lots for several years. Please enforce the ordinance in force, be it the current standard or a new one.

mollystern

9/24/2021 06:36 AM

Under the proposed ordinance, a tree will be considered high priority or significant, based solely on size. The size thresholds are also lowered, protecting the "forest of the future" by protecting trees previously perceived as "small" that are, in fact, quite old. For example, a 10-inch basswood may be 45 years old, and a 10-inch white oak may be 65 years old. In other words, achieving the replacement value of even these somewhat smaller trees will still take many, many decades. This is VERY important. I approve.

jimlind

9/24/2021 06:39 AM

I like the changes, particularly the part about removing references to "high priority tree species". We don't know which species will be preferred down the road. Grow them all, add diversity. This will be

so important in a changing climate. Prioritizing species has the effect of reducing diversity.

Susan Goll

9/24/2021 06:51 AM

I think there may need to be some clarification about "nuisance trees". For example, we have buckthorn in our neighborhood that is more than 10 ft in height, or other somewhat undesirable trees could be excluded like box elder.

Singing Bear

9/24/2021 07:06 AM

One of the reasons I choose to live in Minnetonka is our steep slopes, tree canopy and wildlife.

Michael

9/24/2021 07:18 AM

Minnetonka will not be able to successfully regulate the elimination of trees. The very best solution is to establish an exciting tree-planting initiative. Decide when and where to plant them and begin the process. If a tree needs to be removed, replace it on a 1:1 basis. Seek fast-growing and climate-resistant trees.

tom tree

9/24/2021 07:19 AM

You cannot demand homeowners to plant trees. Retired and low income individuals do not have sufficient funds to buy, plant the trees. Some properties are fairly inaccessible do the ravine and gullies in Mntka. It would be helpful to Read the actual proposal. The devil is in the details. This is s very poor method of communication with the ordinance NOT attached. Very disappointed.

JaxieBoy13

9/24/2021 07:29 AM

Would be a good move for the future. Would give developers & builders something to consider before major tree removal. Would also give future residents healthy trees

spumilia

9/24/2021 07:34 AM

Our taxes and regulation are already high enough. The city is fine as it is.

EC1

9/24/2021 07:39 AM

The draft seems to water this ordinance down which makes us fall behind other cities. This is not better or best practice in any sense.

fhblab

9/24/2021 07:40 AM

4" for deciduous trees maybe too small. I a number of smaller ash trees that are bigger than 4" but less than 8" that I don't expect to survive much longer with the ash borer present but they are a small percentage of the canopy on my property. I would like to be free to

remove and replace them without undo oversight from the city.

Yockers

9/24/2021 07:47 AM

Proposed Tree Ordinance Page 6 a) 4) Note: When a tree preservation plan is created on a private property - invasive plants should be noted on the document. This situation is brought to the attention of the landowner. Page 7 c) 1) allowing for the creation or rehabilitation of a public park - not sure there is a need to create new public parks - not sure what is meant by rehabilitation - it might be necessary if native plant communities are being restored. What about city natural areas that are not parks?

Kevin

9/24/2021 07:56 AM

Are contractors for town road and other construction projects have to adhere to the restrictions in section 9 (construction)? It would seem appropriate that the town should have these restrictions in place for the town prior to a general imposition on all construction. Lead by example and find out first hand what unintended issues arise.

Kade

9/24/2021 08:20 AM

As stated above, I think greater protection of large trees is hugely important and should be in place always, not just during construction. Watched a home tear and rebuild and they took many large trees. As birders know, dead trees are important too, don't need to cut every dead tree if it is in a safe wooded area. Another house was built and many trees cut, after period of time they cut more to create a grass area. So sad to see trees go.

agruber

9/24/2021 08:20 AM

I don't think it is a good use of time to require the city to review individual home owners choice to remove trees. It is an administrative burden on both parties, and given the cost of tree removal, it would be unlikely a homeowner would remove all of their trees. The biggest issues likely stem from new construction and huge redevelopment projects. Protecting old and established trees is key to providing beauty, reducing carbon dioxide, protecting the natural habitat, so I appreciate the thoughtful approach to expanding the reach of the limitations beyond just a specific species or large size.

Citizen

9/24/2021 08:45 AM

Would just like a bit more clarification about removal/ replacement of trees that represent a safety hazard or that can be replaced by newer, more resilient alternatives that will enhance the canopy in the future.

Betty & Don Cooke

9/24/2021 09:17 AM

We are supportive of the proposed changes reflected in the draft ordinance as we understand them. A particular concern we have is that we do not want to see developers allowed to cut down protected trees by paying an additional fee.

kvv

9/24/2021 09:22 AM

The character of the city is significantly represented by mature trees. I think there needs to be clear, enforceable deterrents to damaging the current environment.

Peg Houle

9/24/2021 09:31 AM

There is an area in the ordinance that says removal exceptions may be considered if removal would "promote a greater public good." How is that "greater good" determined? The language is very nebulous.

Jay

9/24/2021 09:45 AM

The draft ordinance appears quite thorough and has many levels of detail that may be difficult for homeowners, builders, and developers to understand so some educational time and study will be needed. I'm in favor of the tree type, size, and one-for-one replacement or enhancement guidelines.

Kimh

9/24/2021 10:21 AM

Great ideas!

KathyP

9/24/2021 10:34 AM

I don't like the diameter requirement restrictions, many of our icky box elder trees are way bigger than the restrictions listed. We will need to take ours down eventually

BLH

9/24/2021 10:37 AM

Most importantly, the natural resources team should develop more guidance about tree species, perhaps hold workshops, publish in the Minnetonka Memo, so homeowners can make suitable decisions as Minnesota's landscape changes. The University predicts we will have a more savanna-like population of trees here overtime and they too could be replaced by mostly grasslands. Trying to hold on to 58% will make no sense. Trees simply will not be able to survive new conditions in the future.

pcradell

9/24/2021 10:37 AM

Apply the requirements to 1 acre or greater. Include a requirement and program for current subdivisions that have woods to clear invasives (buckthorn and garlic mustard) and restore and maintain. Offer services to maintain the woodlands.

SHarvey

9/24/2021 10:49 AM

This is the first I heard of this ordinance. Will there be a chance for public input before voting on it? I am concerned about 7c1, which seems to give the city council a lot of power to make exceptions to removal thresholds. Also, in section 8c, the replacement for a significant tree should NOT be any tree species approved by city staff, but it should be the same standard as for replacing a high priority tree.

tcbrown

9/24/2021 11:14 AM

The requirements should be far stricter. All the evidence one needs can be found in "Bird Song" development, which is a disgrace.

Eric

9/24/2021 11:49 AM

1. I don't see anything in the ordinance about what part of government is responsible for following up with homeowners for compliance and levying penalties, nor about the timing. 2. Trying to preserve large old oaks is difficult at best if grading occurs around them; they die off or partly die back within 3-5 years as they did on my property. 3. There is no point in trying to promote using native trees around housing because the understory will be gone, so it's no longer a specific micro-environment. 4. Giving developers and homeowners a specific dollar amount for mitigation to fund tree planting elsewhere is a great idea. But given how rarely the ordinances are updated, the dollar amounts should be indexed to inflation every 5-10 years.

Mary R

9/24/2021 12:41 PM

I'm glad you are considering being more active about this. I hate to see all the native forest being cut for grass, chicken coops and jungle gyms. Please protect what remains of the native forest.

Robert Werner

9/24/2021 02:08 PM

Species that, in the near future, would be subject to death such as elm, ash and others as defined by the city forester should be allowed to be removed without being required to be replaced either by current property owners or new development.

BDB

9/24/2021 05:18 PM

Ruth Carp

9/24/2021 05:19 PM

I agree that it is imperative that we encourage a diversity of species and sizes of trees. The younger trees are needed for the future as older trees die.

Cate

9/24/2021 05:19 PM

What does "good of the community" mean? I'm guessing, for example, it means one thing to business interests and another to residents. I need the meaning of this to be clarified before I know if I am in favor of the new ordinance.

Larry Koch

9/24/2021 06:25 PM

This is a good measure for protecting and maintaining the beautiful city of Minnetonka that we love.

Diane Bancroft

9/24/2021 09:33 PM

They sound good.

CelticChica

9/24/2021 09:54 PM

The new requirements will be more impactful in helping protect the community in the coming years.

Kj.anderson3311

9/25/2021 06:19 AM

I support the addition of "smaller" tree sizes to the protection category.

Berris

9/25/2021 06:58 AM

When your policy allows the City to grant variances, you open the door for corruption, pay backs, and behind the door handshakes. No variances should be granted if you have a clearly defined policy unless it is if for the public safety. I would remove any language from the policy that allows your local elected officials and City leaders a say in the process. Often, most of the City leaders do not even live in Minnetonka. Also, the responses for Question seven are not working. I don't understand what it is I am ranking as it only shows five boxes to select 1 - 5. If this was on purpose, it is not very clear what five items I am ranking when the question only has one statement.

nature_nel

9/25/2021 08:43 AM

"The city forester prioritizes – and maintains a prioritization list of – native and culturally significant trees species above non-native native trees." This list was not published with the draft ordinance. Please include this list in the forthcoming Planning Commission and City Council packets. The updated ordinance states that all trees provide some benefit but does not mention the impacts of invasive tree species such as Siberian elm, black locust, Norway maple, and white mulberry. Redevelopment is an opportunity to rid properties of invasive species that pose a threat to nearby natural areas. Update the high priority and significant tree list to ensure that developers are not credited with saving invasive species or trees highly susceptible to known diseases, for example, ash trees. The ordinance mentions buckthorn and honeysuckle but no other

invasive terrestrial woody plants. Include a rating system of climate resiliency and ecosystem functionality (how well does that tree species support wildlife). Focus on keystone species (species of trees that provide the most ecological function) and species that are predicted to be climate resilient. Include the following in a species list/rating system: 1) the tree is native or not 2) if the tree is considered a terrestrial invasive species or restricted noxious weed. Provide a published list to developers and homeowners. 3) if the tree is susceptible to a known pest such as dutch elm disease or emerald ash borer. 4) if the tree is considered undesirable and will impede growth of more desirable trees, for example, box elder. 5) climate resiliency. Evergreens in central Minnesota are not climate resilient. I realize Minnesotans love evergreens but most species should not be rated as high priority or significant trees. Please have an ecologist review this ordinance. You could consult with the ecologists preparing the Natural Resources Management Plan. The proposed ordinance needs to be filtered through many experts. The annual tree sale does not meet the needs of the community and we are therefore not reaching capacity to enhance our urban tree canopy in residential neighborhoods. If supply issues continue, then trees should be planted in neighborhoods with the greatest need (high percentage of ash trees, low tree cover, buffering from roadways, pollution mitigation). The city could offer bare root trees instead of large, potted trees. The DNR supplies these at a very reasonable price. For the same cost as purchasing the large, 6' trees, they could offer at a minimum 10 times as many trees and satisfy resident demand. Bare root trees are inexpensive, easy for residents to transport in their car, and easy to plant. For critical keystone species such as oaks, the survival rate is also much higher than potted trees.

Ang

9/25/2021 09:53 AM

I think if the goals are to increase diversity, enhance the canopy of the city for climate mitigation, and increase resiliency against disease and the stress of climate change, the language of the ordinance has to answer these goals in clear language and with measurable goals. For example, to solve the concern of diversity of species, there could be a cap on a percentage of any priority individual species that could be removed without mitigation. Of course invasive species such as buckthorn, Siberian elm, mulberry, amur maple, etc would be exempt from any cap.

Beth Baldwin

9/25/2021 03:47 PM

Ten inches diameter seems too large. I would dial it back to even smaller trees. On the Natural Resources fund if you can't fit a tree on your property, I want to see a direct tie not just to the fund but to ensure the planting of two trees for every one chopped down/that

dies. Not just "general" budget money to the fund. The City can budget property tax money to the fund for personal and equipment. I strongly support the Removal Thresholds section that includes renovations/replacements of single family homes. I am pleased the City is taking a strong environmental stance here. Please make all decisions on this ordinance - for the best interests of our trees and tree canopy for our mutual future in the long run - over any short term interests especially those related to making money or individual taste/preference. I am looking for value driven government that transcends money and power considerations.

Sonialabs

9/25/2021 05:38 PM

I think older trees should be protected and the city should offer help for saving trees, as well.

JaneT

9/26/2021 12:34 PM

The new ordinance is too much, too soon. Better to mandate "tree education" for new residents first. A property owner should be able to remove a single tree without getting approval from the city. The city needs to start offering, ASAP, neighborhood meetings to EDUCATE residents on WHAT trees do, WHY the ordinance is being proposed, and ANSWER questions.

bvos1

9/26/2021 07:11 PM

thinking of the future and green space is super important. Everyone likes trees in their yards and around the areas they live in. Park lots are not why people move to this area.

Hannam01

9/27/2021 06:13 AM

I would like to see some incentive to developers and homeowners to remove/replace invasives like buckthorn or diseased trees. I would also like clarity on how a homeowner knows whether they are in a WPA. I am concerned about the possibility that a homeowner knowing they will be selling to a subdivided may remove trees, then the subdivider may also remove trees, resulting in a loophole allowing excess trees to be removed. It is unclear to me how this situation would be treated under the proposed ordinance. For owners, developers, there should be clarity around how much \$ needs to be given to fund under which conditions.

Edmallam

9/27/2021 06:25 AM

Please specify protection of oaks! Most of Minnetonka was oak savannah, and oaks support more pollinators and birds and other wildlife than any other tree genus in our country. They are keystone species, which means that if they are removed, the ecosystem crumbles, and that negatively affects all living things, including humans! I also propose that house foundations and other digging

needs to be a certain distance away from oaks, to protect their roots. I am unsure how far away is appropriate. Please protect the forested charm that is special to Minnetonka. Developers are putting in overly landscaped developments, with non-native trees and cultivars, which are essentially ecological dead zones. Please also require bur oak and white oak to be planted in replacement of oaks, if any are allowed to be cut. Bur oak grows from here to Texas, so it should be good for climate change. Also, why are lot sizes less than .5 acre being allowed? I thought there was an ordinance about this. There are two houses going up in my neighborhood on .38 and .35 acre, and both of them have humongous houses that take up half of the lot! It is hard to protect trees when this is allowed. The one at 13303 Inverness Rd removed all of its oaks. It is disheartening to see how much restoration is happening in Minnetonka, while right next door, it is all being undone, legally. Please save our trees!

Sharon or Dave Barczak

9/27/2021 03:57 PM

Olops. I think I provided comments driven by the proposed requirements in my earlier answers. Overall, the requirements seem designed to protect the desired trees based on occurrence in the past when there was more larger tracts of land available for sub-division or from egregious acts by property developing businesses. In summary, if the City is acting to protect trees for all residents, I'd like to see more proactive "community investment" in caring for and cultivating the trees and less restrictions imposed on those who made the investment in property with trees.

Foster

9/28/2021 05:32 AM

Trees provide important character to our community.

Kjohnson4790

9/28/2021 07:25 AM

The "escape clause" essentially negates the entire ordinance so trees can be removed as the city council see fit without having to actually follow the ordinance.

Data Analyst

9/28/2021 10:42 AM

Affordable housing owners will never care for the trees, children/teens vandalizing trees, currently most homeowner don't care or not willing to protect tree due to cost. Yearly tree maintenance is \$500-\$30,000

JRG

9/28/2021 02:20 PM

I think this process of redoing this important ordinance is moving too fast and needs to slow down to engage the public. Six days is not enough time to adequately study and comment. Also, I know we're a GreenSteps City. Have we reviewed their sample tree

ordinances and incorporated ideas?

adidab210

9/28/2021 04:50 PM

I do not believe the tree ordinance should be made even stricter. This will limit the ability to provide affordable housing units on single family properties, which is also an important initiative.

husker70

9/28/2021 05:25 PM

There is more to do preserving and restoring areas over come by buckthorn

Minnetonka33

9/28/2021 07:36 PM

The tree removal ordinance is one of the most restrictive in the state, so we shouldn't be focused on how to add additional regulations. Instead we should be focused on how to make Minnetonka a more inclusive community by providing opportunities for more affordable housing.

joysesshore

9/29/2021 07:54 AM

I feel you were specific and clear is showing the proposed changes differed from the established ordinance regarding species, size, removal thresholds, exceptions, and the natural resource fund. It appears to be a thoughtful and methodical response to necessary changes in our community regarding the health and maintenance of the tree canopy. These proposed ordinance changes are reasonable and should be adopted.

sally

9/29/2021 09:33 AM

I wish there could be more discussion on this ordinance. It's important that all voices are heard on this very important question. why does the city feel the 2008 ordinance is outdated? I would guess that anyone you speak with will tell you why they moved here; and what they value in this city is the green. The city was set up so well for all to enjoy the beauty of the nature, but it seems they city planners have lost the vision. I love the winding roads that keeps my neighbors deck private from mine, that I can be in my back yard, and feel away from the craziness of the world. it now seems they are sir coming to the thoughts of "let's get as many people as possible into our city". I know land has to be used and developed, but let's stay with the amazing foundations the city established when it first became a desirable city to belong too.

AmyP

9/29/2021 07:03 PM

Please define what is the public good and how that relates to the exemption. What has made Minnetonka be unique and desirable seems to not be compatible to what the city council and mayor apparently wants it to be. Large, tree lined lots are what make

Minnetonka stand out from other first ring or inner ring suburbs but every year that gets less important/valued. I don't see Deephaven or Excelsior worry about adding massive multi-unit apartments to their housing stock all the while shrinking lot size minimums and allowing mature trees to be cut down for bike lanes or developers. Climate change alone should be enough of a public good to make valuing trees more of a priority than it has been for the last decade plus.

V84

9/30/2021 08:28 AM

This seems like it will put too much restriction on how a home can be built causing more time and hassle with variances and six. I believe the current ordinance should stand especially since redevelopment is not the biggest threat to the tree population. There must be other ideas considered to keep the tree canopy. Thanks for considering my comments!

Terry

9/30/2021 10:21 AM

I appreciate that Minnetonka is showing concern for its trees, but the ordinance leaves me with a lot of questions. Here are a few: Minnetonka will no longer considers species, only size, when removing, and, in some cases, replacing trees. Why not consider both? Will the city provide guidance and incentives to preserve or plant trees that are native, have high wildlife value, are climate change resilient, are not invasive, are not susceptible to disease or other problems? The ordinance grants the city the ability to make exceptions to the tree policy if they perceive a "greater public good". How is this determined? The ordinance mentions Woodland Protection Areas (WPAs), but homeowners often don't know if they're in one. Does the city currently enforce tree protection during and after development? How and how long does the city monitor consequences of development on trees? It can a take a large tree several years to die if it's damaged. Let's not just think about development and replacing trees. How about more incentives for property owners of all kinds to plant new trees? There's a lot of open space around! I would also like to add that there was a man in the pond next to our property who was spraying poison on the cat tails so they don't spread and eliminate the pond altogether. He said he got permission from the City. I informed him that I do not like poison and he said he would stop then. So an additional concern I have is the use of any "cides"- pesticides, herbicides, etc. We need to stop poisoning our planet. Thank you and I hope you do follow through with these protections for our natural surroundings.

Jacksmom

I do think that some language about some tree species protection

9/30/2021 12:50 PM

would be good. Some trees are of higher value than others. Also, how do I know if my property is in a WPA?

Nelsmister

10/01/2021 12:20 PM

The U of M extension service could help draw up guidelines for preserving trees in the landscape.

Jolie

10/02/2021 07:38 AM

I appreciate the recognition that each species has a different lifespan/size. Losing a block of saplings doesn't have the same impact as cutting down 30-year-old Maples. Thank you for your efforts!

boxelder

10/03/2021 09:58 PM

I object to city infringement on my property rights to remove trees on my single family property. Single-family homeowners are allowed to remove trees on their properties without city review. This should not be changed.

Optional question (68 response(s), 37 skipped)

Question type: Essay Question

Ordinance No. 2021-

**An ordinance amending city code 300.28 subdivision 19,
regarding tree protection, and adding a new section 314**

The City Of Minnetonka Ordains:

Section 1. Section 300.28, Subdivision 19 of the Minnetonka City Code, regarding tree protection, is repealed in its entirety and replaced with the following.

19. Tree Protection. As outlined in City Code Section 314.

Section 2. The Minnetonka City Code is amended by adding new section 314, as follows:

314.01 Tree Protection

1. Purpose. The purpose of this subdivision is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities, as well as to mitigate for the loss of trees due to these activities while maintaining the rights of existing homeowners to use their private property.

2. Findings. The city of Minnetonka finds that trees and woodlands are an integral part of the city's identity. As such, the city finds that standards governing the preservation, protection, and planting of tree resources are necessary to:

a) Maintain and enhance, as much as practical, the diversity and extent of the city's trees and woodlands while balancing community responsibilities with private property rights.

b) Maintain buffers between similar land uses and maintain and establish buffers between conflicting land uses;

c) Promote climate resilience;

d) Improve air quality and reduce noise pollution;

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

- e) Enhance energy conservation through natural insulation and shading;
- f) Reduce the urban heat island effect;
- g) Reduce soil erosion, sedimentation, and stormwater runoff;
- h) Preserve habitat for wildlife, including pollinating insects;
- i) Extend the life of roadways;
- j) Increase and maintain property values; and
- k) Promote the positive impacts of trees on society, such as lowering stress, reducing noise, and calming traffic.

3. Applicability. The provisions of this subdivision apply whenever construction, site work, development, or redevelopment activities occur on a property.

4. Authority. Consistent with the purpose of this subdivision, and in order to enforce its provisions, the city may:

- a) Identify, require, and enforce a tree preservation plan as described in subdivision 6 below;
- b) Specify trees or groups of trees for preservation;
- c) Establish grading limits;
- d) Require the clustering of buildings or the relocation of roads, drives, buildings, utilities, or storm water facilities when relocation would preserve protected trees;
- e) Specify time periods in which tree cutting, pruning, or injury may not occur in order to prevent the spread of disease;
- f) Require conservation easements or other legal means to ensure that woodland preservation areas or groups of high priority trees or significant trees are not intentionally destroyed after the development has been approved; and
- g) Grant variances from the provisions of this section 314.01, subject to the limitations and procedures outlined in City Code 300.07;

5. Definitions. For the purpose of this ordinance, the terms below have the meaning given to them:

- a) "Basic Tree Removal Area" - consists of the following:

1) within the areas improved for reasonably-sized driveways, parking areas, and structures without frost footings and within ten feet around those improvements;

2) within the footprints of, and 20 feet around, buildings with frost footings;

3) within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by paragraph (a)(2) of this subdivision 5; and

4) in areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan.

b) "Canopy" - the uppermost layer of a forest formed by tree crowns.

c) "Construction" - the activity of building a new principal or accessory structure or adding on to an existing principal or accessory structure.

d) "Critical root zone" - the minimum area around a tree that must remain undisturbed. The critical root radius is calculated by measuring the tree's diameter at standard height. For each inch of tree diameter, 1.5 feet of root zone radius must be protected. For example, if a tree's dsh is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

e) "Diameter at standard height (dsh)" - the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one individual tree, and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

f) "Redevelopment" - removal and reconstruction of more than 50% of the square footage of a principal structure in any zoning district or a more-than-50% increase in the square footage of structure or structures on a site.

g) "Removal/Removed" - the physical removal of a tree or: (1) girdling; (2) injury to 30 percent or more of the trunk circumference; (3) pruning of 30% or more of the crown; (4) trimming an oak between April 1st and July 15th; or (5) compacting, cutting, filling, or paving 30 percent of the critical root zone for all tree species.

h) "Sapling" - a tree generally one to three years old.

i) "Site work" - work on a property or properties that involves filling, excavating, or moving earth by any means, mechanized or otherwise, requiring a grading permit. Site work does not include the planting of trees or other vegetation.

j) "Tree, high priority" - a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards as outlined below. The city forester prioritizes – and maintains a prioritization list of – native and culturally significant trees

species above non-native native trees. This prioritization of species may be used to guide both tree removals and mitigation.

1) a deciduous tree that is at least 10 inches dsh.

2) a coniferous tree that is at least 15 feet in height that is not in a group as described below; or

3) a tree that is in a group of three or more deciduous trees that are at least eight inches dsh or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that is within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail. This distance will be measured from the edge of the pavement or curb of the road, street, or trail.

k) "Tree, protected" - a tree that is in a woodland preservation area, or is a high priority tree, or significant tree.

l) "Tree, significant" - a tree that is structurally sound and healthy and that is either a deciduous tree at least four inches dsh or a coniferous tree at least 10 feet in height.

m) "Understory" - The trees, shrubs, and herbaceous plants that grow in the shade of the forest canopy, including trees that could potentially grow to reach the canopy.

n) "Woodland preservation area" - a remnant woodland ecosystem that is at least two acres in size regardless of property boundaries, is generally mapped in the city's Minnesota Land Cover Classification System, and although it may be degraded, it generally meets the criteria for one of the following types of ecosystems as reasonably determined by the city:

1) "floodplain forest" - an area populated by deciduous tree species tolerant of seasonal flooding and deposition of silty or sandy soils. The canopy cover is extremely variable, and mature trees are typically greater than 70 feet tall. The dominant tree species in the canopy are silver maple and eastern cottonwood. In floodplain areas with severe flooding, the understory will be sparsely vegetated. Trees in the understory include saplings from the canopy species, green ash, black willow, slippery elm, American elm, boxelder, and hackberry;

2) "lowland hardwood forest" - an area with a flat terrain populated by deciduous tree species tolerant of periodic soil saturation from seasonally high water tables. The soils are moderately well to poorly drained. The dominant tree species in the canopy are American elm, black ash, basswood, bur oak, red oak, white oak, quaking aspen, paper birch, and red maple. Trees in the understory include saplings from the canopy species, slippery elm, green ash, butternut, sugar maple, quaking aspen, balsam poplar, and American hornbeam. The large shrub or small tree layer of the understory is typically dense and can include ironwood, pagoda dogwood, prickly ash, American hazelnut, gray dogwood, and speckled alder;

3) "maple basswood forest" - an area with well-drained soils and populated by a variety of shade-tolerant, fire-sensitive, deciduous tree species. The mature trees are straight with narrow crowns greater than 60 feet tall. The dominant tree species in the canopy are basswood and sugar maple, but mesic species such as slippery elm, red oak, bur oak, green ash, white ash, and black ash may be found as well. Trees in the understory include saplings from the canopy species, bitternut, black cherry, and ironwood. The large shrub or small tree layer of the understory is composed of primarily tree seedlings and herbaceous plants;

4) "mesic oak forest" - an area populated by tall, single-stemmed deciduous trees greater than 60 feet tall that lack spreading lower branches. Mesic oak forests may have a moderately moist habitat but can be dry depending on the slope and aspect of the forest. The dominant tree species in the canopy include red oak, white oak, and bur oak. Trees in the understory include saplings from the canopy and fire-sensitive species such as basswood, green ash, bitternut hickory, big-toothed aspen, butternut, northern pin oak, black cherry, paper birch, American elm, boxelder, and red maple. The large shrub or small tree layer in the understory tends to be sparse with greater herbaceous plant diversity but can include ironwood, chokecherry, prickly ash, American hazelnut, prickly gooseberry, red-berried elder, nannyberry, juneberry/serviceberry, and pagoda dogwood;

5) "oak woodland brushland" - an area with a canopy more open than a forest but less open than a savanna. It is characterized by open-grown trees and a distinct shrub layer in well-drained sandy, gravelly soils. The dominant tree species include red oak, northern pin oak, white oak, bur oak, and aspen. When it exists, the trees in the understory include saplings from the canopy, black cherry, and red cedar. The large shrub or small tree layer can include American hazelnut, ironwood, juneberry, and chokecherry;

6) "tamarack swamp" - an area that is a forested wetland community dominated by patches of tamarack, a deciduous coniferous tree. The dominant tree species in the canopy include tamarack, black spruce, paper birch, and red maple. The trees in the understory include saplings from the canopy, and the large shrub or small tree layer can include speckled alder and red osier dogwood; or

7) "willow swamp" - an area that is a forested wetland community or an area with seasonally flooded soils and scattered-to-dense shrub cover. The dominant tree species in the canopy include black willow and speckled alder. The trees in the understory include saplings from the canopy, and the large shrub or small tree layer can include several species of willow and dogwood.

6. Tree Preservation Plan. A tree preservation plan is required as part of any application that involves construction, site work, or redevelopment activities. A tree preservation plan must include:

a) A tree inventory, in spreadsheet format, that includes the following:

1) The species, sizes, and locations of high priority trees, significant trees, and trees in woodland preservation areas, regardless of health. Dead, diseased or

structurally unsound trees, and trees infested with a disease or insect, should be noted as such in the inventory.

2) An inventory of all canopy species that exist in woodland preservation areas, including those that are in the understory, if they are four inches dsh or larger. Understory trees, excluding canopy species, and large shrubs that exist in woodland preservation areas must be inventoried if they are two inches dsh or larger.

3) The size of high priority trees and significant trees, regardless of location.

4) The size of coniferous trees recorded in dsh and approximate height, regardless of location.

Note: Invasive plants such as buckthorn and honeysuckle should not be inventoried.

b) A site plan that illustrates the dsh, location and critical root zone for each protected tree – including the trees to be removed and the trees to be preserved, the proposed construction limits, and the proposed tree protection methods in addition to construction limit fencing. If grading or construction limits are outside of a woodland preservation area, the trees in that woodland preservation area may be grouped together.

7. Tree Removal.

a) General Standards. The removal of protected trees during construction, site work, development, or redevelopment activities must comply with the following:

1) Principal structures and associated facilities must be located to maximize tree preservation. The city may specify the location of the principal structures and associated facilities in order to ensure a reasonable tree preservation.

2) In no case may trees be removed from a conservation easement without the approval of city staff.

3) Trees required to be saved as part of a subdivision approval must remain on a lot for two years after the final building permit inspection or certificate of occupancy is issued for the principal structure, whichever is later. Any tree that dies solely of natural causes such as disease or wind is exempt from this section.

4) An applicant and property owner must comply with any approved tree preservation or landscape plan. In the event that a tree preservation or landscape plan is not on file with the city, any tree removed without authorization from the city will be considered part of the approved tree preservation or landscape plan.

5) A healthy protected tree that did not pose a significant or severe risk to personal safety or property damage and that was removed or otherwise destroyed by

unnatural causes within three years before a redevelopment or subdivision application will be regarded as if it were present at the time of construction or a development application. In no case may healthy protected trees be removed from properties required to have a tree preservation or landscape plan unless first approved by the city.

b) Specific Standards. Protected trees may be removed as follows:

		<u>Woodland Preservation Area (WPA)</u>	<u>High-Priority Trees*</u>	<u>Significant Trees*</u>
<u>Single-Family Property</u>	<u>No construction or site work</u>	<u>Removal is not restricted, except as outlined in subd. 7(a) above</u>		
	<u>Construction on a vacant lot</u>	<u>In conformance with subdivision approvals</u>		
	<u>Construction or site work, two years after initial house construction</u>	<u>Removal is not restricted, except as outlined in subd. 7(a) above</u>		
	<u>Redevelopment</u>	<u>25% of WPA on the lot</u>	<u>35% of trees on the lot</u>	<u>50% of trees on the lot</u>
<u>Non-Single-Family Property</u>	<u>No construction or site work</u>	<u>In conformance with approved landscape or tree preservation plan</u>		
	<u>Construction or site work on a vacant lot</u>	<u>In conformance with subdivision or site plan approval</u>		
	<u>Construction or site work on a developed lot</u>	<u>25% of WPA on site</u>	<u>35% of trees on site</u>	<u>50% of trees on site</u>
	<u>Redevelopment</u>	<u>25% of WPA on site</u>	<u>35% of trees on site</u>	<u>50% of trees on site</u>
<u>Subdivision</u>		<u>25% of area on site</u>	<u>35% of trees on the site</u>	<u>50% of trees on the site</u>
		<u>If a subdivision proposal includes removal of trees above the thresholds listed above, the subdivision must occur at a density of no more than 1 unit/acre</u>		

* located outside of a WPA

c) Exceptions. The city council may allow removal of protected trees over the percentages listed in the chart above if:

1) The removal would promote a greater public good, such as:

- providing reasonable use or access to the property;
- providing affordable housing;
- allowing for the creation or rehabilitation of a public road or

trail;

• providing for a public utility service, such as a transmission line, stormwater pond, or a water tower;

• allowing for the creation or rehabilitation of a public park;

• enabling redevelopment in a designated redevelopment

area;

• or other public good recognized by the city.

2) The removal of some trees would promote the preservation of important or unique natural features of trees on the property or site.

3) The removal of some trees would promote the planting or growth of more climate-resilient trees or vegetation on the property or site.

4) A variance is granted under Section 300.07 of the zoning ordinance.

8. Tree Mitigation.

a) Mitigation Required. Mitigation is required for trees removed, as follows.

		<u>Mitigation is Required For:</u>
<u>Single-Family Property</u>	<u>No construction or site work</u>	<u>N/A. Removal not restricted, except as outlined in subd. 7 above.</u>
	<u>Construction on a vacant lot</u>	<ul style="list-style-type: none"> • <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u>
	<u>Construction or site work, two years after initial house construction</u>	
	<u>Redevelopment</u>	<ul style="list-style-type: none"> • <u>High priority and significant trees removed for surface stormwater practices.</u>
<u>Non-Single-Family Property</u>	<u>No construction or site work</u>	<ul style="list-style-type: none"> • <u>Trees part of an approved tree preservation or landscape plan.</u>
	<u>Construction or site work on a vacant lot</u>	<ul style="list-style-type: none"> • <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u>
	<u>Construction or site work on a developed lot</u>	
	<u>Redevelopment</u>	<ul style="list-style-type: none"> • <u>High priority and significant trees removed for surface stormwater practices.</u>

<p><u>Subdivision</u></p>	<ul style="list-style-type: none"> • <u>High priority trees, significant trees, and trees within woodland preservation removed outside of: (1) the basic tree removal area; and (2) the width of required easements for public and private streets and utilities.</u> • <u>High priority and significant trees removed for surface stormwater practices.</u>
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b) Mitigation Plan. When tree mitigation is required, the applicant must submit a tree mitigation plan for staff review and approval. The plan must indicate the number of inches or feet of mitigation trees, the species and quantity of each species, and the caliper size or feet and location for each replacement tree. The plan may not be comprised of more than 10 percent of the same species or size unless approved by the city. The plan must comply with the mitigation standards required below. The applicant must implement the tree mitigation plan approved by city staff.

c) Mitigation Standards. Mitigation for removal of trees or large shrubs in woodland preservation areas, high priority trees, and significant trees must meet the following standards:

	<u>Woodland Preservation Area</u>	<u>High-Priority Tree</u>	<u>Significant Tree</u>
<u>Rate</u>	<u>One inch for each inch in diameter of a deciduous tree removed and one foot for each foot in height of a coniferous tree removed</u>		<u>Two inches dsh replanted per tree removed</u>
<u>Species</u>	<u>Species found in that eco-type, as specified on the list of acceptable replacement species on file with the city</u>	<u>Species of a similar type that are normally found growing in similar conditions and that are included on the list of acceptable replacement species on file with the city;</u>	<u>Any tree species, as approved by city staff</u>
<u>Size</u>	<ul style="list-style-type: none"> • <u>Deciduous balled and burlapped trees: at least 1.25 inches, but not more than 3 inches dsh</u> • <u>Deciduous spade moved trees: at least 3 inches, but not more than 6 inches</u> • <u>Understory or small trees: at least #7 container stock</u> • <u>Shrubbery: at least #3 container stock</u> • <u>Coniferous balled and burlapped trees: at least 6 feet, but not more than 8 feet in height</u> • <u>Coniferous spade moved: at least 8 feet, but not more than 14 feet.</u> 		<p><u>Deciduous: no less than two inches dsh replanted per tree removed</u></p> <p><u>Conifer: no less than six feet in height replanted per tree removed</u></p>

In addition,

1) Mitigation trees must be planted on the same property or development area from which the trees were removed. The city recognizes that, in some unique situations, site conditions may not allow a property owner or applicant to achieve the required on-site mitigation. In such cases, and at the sole discretion of city staff, a property owner or applicant may be required to provide cash in lieu of the required mitigation that cannot be planted on site. Such funds would be deposited into the city's natural resources fund.

2) If larger trees are allowed, a three-year financial guarantee may be required.

3) The required mitigation trees must be replaced by the current property owner if the trees have died, have severely decline, or have been damaged after the end of the second full growing season following installation. A tree will be considered to be severely declined if more than 25 percent of the crown has died.

4) Development that is subject to landscape requirements in sections 300.27 and 300.31 must meet the minimum landscape requirements of the applicable section. Trees planted as part of a required landscaping plan may be counted as mitigation trees under this section, at the city's discretion.

5) All mitigation trees and shrubs must meet the American National Standards Institute (ANSI A300 and as amended) relating to planting guidelines, quality of stock, and appropriate sizing of the root ball for balled and burlapped, containerized, and spade-moved trees.

6) The city may require an escrow deposit to ensure the required planting and continued existence of the mitigation trees. The city will release the escrow deposit after the end of the second full growing season following installation of the mitigation trees and any replacement trees.

9. Construction.

a) Before construction or site work – including any tree removal – tree protection fencing or other approved protection measures must be installed for city staff inspection. The location of the fencing/protection measures must be in conformance with the approved tree preservation plan and must be maintained throughout the course of construction or site work.

b) No construction, compaction, construction access, stockpiling of earth, storage of equipment or building materials, or grading of any kind may occur within the critical root zone areas of trees to be protected.

c) An area of new or compensatory water storage may not be located where there are woodland preservation areas, high priority trees, or significant trees unless approved

by the city. Mitigation will be required for the loss of woodland preservation areas and high-priority trees due to ponding. The compensatory storage area must be created in a manner that prevents erosion into any nearby water resource.

10. Violations

a) Each protected tree that is removed in violation of ordinance requirements is a separate violation of the city code.

b) A tree or shrub that was required by the city to be saved but was removed must be replaced at a rate of 2:1 based on dsh for deciduous species and height for conifers. The city may also impose a financial penalty equal to \$500 for each inch of dsh or foot of height removed, not to exceed \$2,000 for each tree or shrub. This provision also applies to a conservation easement area that is disturbed during or after development.

11. Exemptions. Linear projects, utility maintenance projects, and associated activities undertaken by a government unit are exempt from the provisions of this ordinance. Plans must be designed to protect as many trees as practicable and must be provided to natural resources staff for review and comment.

Section 4. The city clerk is directed to correct any cross-references in the city code to section 300.28, subdivision 19 that are made necessary as a result of this ordinance.

Section 5. This ordinance is effective immediately after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 18, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Sept. 13, 2021
Date of adoption: Oct 18, 2021
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 Oct. 18, 2021.

Becky Koosman, City Clerk