

City Council

REGULAR MEETING AGENDA

September 1, 2020 – 6:30 pm

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on CCXmedia.org, or by calling 1-415-655-0001 and entering the meeting code 133 545 4257. The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-593-8060. Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or webexsupport@goldenvalleymn.gov. If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call
- C. Introduce New Equity and Inclusion Manager

Pages

2. Additions and Corrections to Agenda

3. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
 - 1. City Council Meeting – August 4, 2020 3-7
- B. Approval of City Check Register 8
- C. Minutes of Boards and Commissions:
 - 1. Planning Commission – July 13 and 27, 2020 9-24
 - 2. Environmental Commission – July 27, 2020 25-28
 - 3. Human Rights Commission – June 23, 2020 29-31
 - 4. Bassett Creek Watershed Management Commission – July 16, 2020 32-38
- D. Approval of Bids, Quotes and Contracts:
 - 1. Approve Paid on Call Firefighter Testing Agreement 39-47
- E. Approve Appointment to the Human Rights Commission 48
- F. Approve Board/Commission Appointments 49



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4. Public Hearing

- A. Public Hearing – Ordinance 688 – Amendments to the Zoning Code – Amending Sections 113-1: Definitions, 113-152: Screening and Outdoor Storage 50-59
- B. Public Hearing – Ordinance 689 – Amendments to the Zoning Map – Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan 60-76

5. Old Business

6. New Business

All Ordinances listed under this heading are eligible for public input.

- A. Appeal of Board of Zoning Appeals Decision - 2565 Byrd Avenue North 77-102
- B. Review of Council Calendar 103
- C. Mayor and Council Communications
 - 1. Other Committee/Meeting updates

7. Adjournment

City Council

REGULAR MEETING MINUTES

August 4, 2020 – 6:30 pm

In light of the recently declared COVID-19 health pandemic, the Mayor of the City of Golden Valley declared a local emergency under Minnesota Statute, section 12.37. In accordance with that declaration, beginning on March 16, 2020, all meetings of the City Council held during the emergency were conducted by telephone or other electronic means.

The City used WebEx to conduct this meeting electronically. Members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on [CCXmedia.org](https://www.ccxmedia.org), and by dialing in to the public call-in line. The public was able to participate in this meeting during public comment sections, including the public forum, by dialing in to the public call-in line.

1. Call to Order

Mayor Harris called the meeting to order at 6:30 pm.

1A. Pledge of Allegiance

1B. Roll Call

Present: Mayor Shep Harris, Council Members Larry Fonnest, Maurice Harris, Gillian Rosenquist and Kimberly Sanberg

Staff present: City Manager Cruikshank, City Attorney Cisneros and City Clerk Luedke

1C. Presentation – Human Rights Commission “All are Welcome in Golden Valley” video

Council Member Harris introduced the video and Human Rights Youth Member Destiny Nathan. Ms. Nathan provided information on the video and her process used for selecting the video content.

2. Additions and Corrections to Agenda

MOTION made by Council Member Fonnest, seconded by Council Member Harris to approve the agenda of August 4, 2020, as submitted. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

3. Approval of Consent Agenda

MOTION made by Council Member Sanberg, seconded by Council Member Rosenquist to approve the consent agenda of August 4, 2020, as revised: removal of 3F-Partners in Energy Planning Team Recommendations, 3G- Resolution Identifying Need for Livable Communities Demonstration Account Funding and Authorizing Application for Grant Funds and 3H-Board/Commission Appointments. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

3A. Approval of Minutes:

3A1. Council/Manager Meeting – April 14, 2020

3B. Approve City Check Register and authorize the payments of the bills as submitted.

3. Approval of Consent Agenda - continued

3C. Licenses:

3C1. Authorize renewal of the following new and used vehicle dealer licenses for the 2020-2021 license period: ABC Cars and Leasing LLC, Borton Volvo, Inc., Golden Valley TCAA, LLC, Golden Valley TCAP, LLC, Jim Lupient Company, Jim Lupient Infiniti, Morrie's GV Cadillac, LLC, Morrie's Luxury Auto, LLC, Minnesota Auto Sales, Northern Hospitality LLC, Poquet Auto Sales, Inc. and Rudy Luther Toyota.

3D. Minutes of the Boards and Commissions:

3D1. Planning Commission – June 22, 2020

3D2. Environmental Commission – June 22, 2020

3E. Approval of Bids, Quotes and Contracts:

3E1. Approve signing Agreement with the Commissioner of Public Safety and signature approvals from the Mayor, City Manager and Deputy Registrar Supervisor/Motor Vehicle Supervisor

3E2. Approve contract from IDEACOM Mid-America for \$82,091.

~~**3F. Approve Members of the City's Energy Action Planning Team.**~~

~~**3G. Adopt Resolution identifying the need for Livable Communities Demonstration Account Funding and Authorizing Application for Grant Funds.**~~

~~**3H. Appointment of Boards/Commission candidates.**~~

3. Items Removed From the Consent Agenda:

3F. Partners in Energy Planning Team Recommendations

Council Member Fonnest said the City had entered into a program with Xcel Energy. Environmental Resources Supervisor Eckman provided information on the program and the process used to recruit members for the energy action planning team and he answered questions from Council.

MOTION made by Council Member Fonnest, seconded by Council Member Rosenquist to approve the Members of the City's Energy Action Planning Team. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

3G. Resolution Identifying the Need for Livable Communities Demonstration Account Funding and Authorizing Application for Grant Funds

Planning Manager Zimmerman provided information on the proposed mixed use project and said the developer requested the City's support in submitting an application for a Metropolitan Council's Livable Communities Demonstration Account grant. Mr. Zimmerman answered questions from Council.

MOTION made by Council Member Harris, seconded by Council Member Sanberg to adopt **Resolution 20-47**, identifying the need for Livable Communities Demonstration Account Funding and Authorizing Application for Grant Funds. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

3H. Appointment of Board/Commission

Council Member Rosenquist said the Council interviewed Mr. Noah Orloff and Mr. Felix Fettig before the meeting and that she would like to make a motion to appoint Mr. Orloff to the Planning Commission and Mr. Fettig to the Environmental Commission.

MOTION made by Council Member Rosenquist, seconded by Council Member Fonnest to appoint Mr. Orloff to the Planning Commission as a youth member and Mr. Fettig to the Environmental Commission as youth members with both terms to expire on May 2021. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

4. Public Hearing

4A. Public Hearing – Amendments to the Zoning Map – Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan

Planning Manager Zimmerman presented the staff report and answered questions from Council.

Mayor Harris opened the public hearing. No one requested to speak. Mayor Harris closed the public hearing.

MOTION made by Council Member Rosenquist, seconded by Council Member Harris to approve the requested amendments to the Zoning Map, rezoning the eight properties above to the various designations listed in the attached document, including Commercial, Institutional (I-4), Office, Medium Density Residential (R-3), and High Density Residential (R-4). Upon a vote being taken, the following voted in favor of: Larry Fonnest, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: Maurice Harris and Shep Harris and the motion carried.

5. Old Business

6. New Business

6A. Consideration of a Moratorium on Pawnshops, Precious Metal Dealers, and Payday Lenders

Planning Manager Zimmerman presented the staff report and answered questions from Council.

Mayor Harris stated per the Council's agenda all ordinances listed under new business are eligible for public input. No one requested to speak.

There was Council discussion regarding the proposed Ordinance imposing a moratorium on Pawnshops, Precious Metal Dealers, and Payday Lenders.

MOTION made by Council Member Harris, seconded by Council Member Rosenquist to adopt **Ordinance #686**, imposing a Twelve Month Moratorium on Pawnshops, Precious Metal Dealers, and Payday Lenders. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

6B. Review of Council Calendar

Some Council Members may attend the virtually League of Women's Voter Golden Valley Annual meeting on August 5, 2020, at starting 7 pm.

Some Council Members may attend the Market in the Valley on August 9, 16 and 23, 2020, from 9 am to 1 pm in the City Hall Campus Parking Lot.

The Primary Election will be on August 11, 2020, at various polling locations.

A Closed Executive Session will be held virtually on August 12, 2020, at 5:30 pm.

The next Council/Manager meeting will be held virtually on August 12, 2020, 6:30 pm.

The next City Council meeting will be held virtually on August 18, 2020, at 6:30 pm.

Some Council Members may attend the virtually Golden Valley Business Meeting on August 27, 2020, at 8:30 am.

6C. Mayor and Council Communication

City Clerk Luedke provided information on the upcoming Primary Election on August 11, 2020 and answered questions from the Council.

Council Member Sanberg said the Open Space and Recreation Commission discussed the issues at Twin Lake at their last meeting and are supportive of the direction the City is taking. Council Member Rosenquist said she had attended a meeting regarding Twin Lake and she said that their primary concern regarding the lake is safety for people in the area. City Manager Cruikshank said that the Minneapolis Park Board was responsive to the comments from the City.

There was Council discussion regarding the METRO Blue Line Light Rail and the transit needs in the City. City Manager Cruikshank answered questions from the Council. Mayor Harris provided information on the background of the Blue Line Light Rail and additional information on it. He also provided information on the City's Blue Line Now Coalition and the items discussed at their meetings. Council Member Rosenquist provided additional information on the coalition meetings.

Mayor Harris thanked the Rising TIDES Task Force, the Human Rights Commission and the League of Women Votes for the a very good discussion on building an equity Golden Valley.

7. Adjourn

MOTION made by Council Member Rosenquist, seconded by Council Member Harris to adjourn the meeting at 8:22 pm. Upon a vote being taken, the following voted in favor of: Larry Fonnest, Maurice Harris, Shep Harris, Gillian Rosenquist, and Kimberly Sanberg, the following voted against: none and the motion carried.

Shepard M. Harris, Mayor

ATTEST:

Kristine A. Luedke, City Clerk



EXECUTIVE SUMMARY

Administrative Services

763-593-8013 / 763-593-3969 (fax)

**Golden Valley City Council Meeting
September 1, 2020**

Agenda Item

3. B. Approval of City Check Register

Prepared By

Sue Virnig, Finance Director

Summary

Approval of the check register for various vendor claims against the City of Golden Valley.

Financial Or Budget Considerations

The check register has a general ledger code as to where the claim is charged. At the end of the register is a total amount paid by fund.

Recommended Action

Motion to authorize the payment of the bills as submitted.

Supporting Documents

Document is located on city website at the following location:

<http://weblink.ci.golden-valley.mn.us/WebLink/browse.aspx?id=717279&dbid=2&repo=GoldenValley>

The check register for approval:

- 08/21/20 Check Register

Planning Commission

July 13, 2020 – 7 pm

REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Planning Commission meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line. The public was able to participate in this meeting during public comment sections, by dialing the public call-in line.

1. Call to Order

The meeting was called to order at 7:00 by **Chair Blum**.

Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Chuck Segelbaum,

Commissioners absent: Ryan Sadeghi

Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner

Council Liaison present: Gillian Rosenquist

2. Approval of Agenda

Chair Blum asked for a motion to approve the agenda.

MOTION made by **Commissioner Brookins**, seconded by **Commissioner Johnson** to approve the agenda of July 13, 2020. Staff called a roll call vote and the motion carried unanimously.

3. Approval of Minutes

Chair Blum asked for a motion to approve the minutes from June 22, 2020.

MOTION made by **Commissioner Brookins**, seconded by **Commissioner Pockl** to approve the June 22, 2020 meeting minutes. Staff called a roll call vote and the motion carried unanimously.

4. Informal Public Hearing – Zoning Text Amendment

Revising the Density Range of the Medium Density Residential (R-3) Zoning District

Applicant: City of Golden Valley

Jason Zimmerman, Planning Manager, introduced this item as a required follow-up from the approved 2040 Comprehensive Plan. When Met Council approves the Comp Plan, the future land use map needs to show development patterns at certain density thresholds. This showing, ensures each community in the metro area can accommodate its share of projected growth. Once the plans are adopted, the zoning maps and text must be updated to come into alignment. **Zimmerman** displayed



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a chart for the Commissioners comparing the current zoning code to the language in the 2040 Comprehensive Plan. Most of the items align but the current R-3 code language needs updating in order to align with the 2040 Plan. **Zimmerman** expanded in greater detail and listed all the multi-family buildings to see how they matched the zoning designation; during this process, staff discovered 14 buildings that were non-conforming. After more research, staff discovered older zoning policies that lead to this non-conformity but once the R-3 language is updated, this will be remedied and the buildings would match their zoning designation. The exiting R-3 language has Density Bonuses which included underground parking, a building being near public transit, and offering a private recreation facility for its residents. Most of these items were in place when Golden Valley was developing, now that the City is built out so staff believes the density bonuses should be removed so the R-3 district will align with the other zoning districts.

Staff Recommendation

Amend the text of the Medium Density Residential (R-3) Zoning District to revise the allowed density range and strike the density bonus provisions.

Commissioner Segelbaum asked if the buildings listed were rezoned, could they be re-developed into 20 units per acre. Staff confirmed and added that they could be up to 20 units or if they were a senior building, they could be 30 units. **Chair Blum** asked staff what extent does the current PUD on any of the properties create another step in the process if there's a change in zoning. **Zimmerman** responded that if there are existing PUDs, that reigns over the zoning designation. The conversation continued into the possibilities of negotiating re-development with PUDs and PUD amendments. The discussion evolved into requirements and process for new or re-developments after re-designating the zoning.

Chair Blum opened the Public Hearing at 7:30pm

Rick Gripentrog **7533 Harold Ave**

I'm curious about the area we're talking about, this area is south of Highway 55, east of Winnetka, north of Harold Ave, and west of Rhode Island Ave.

Zimmerman responded to the caller and informed him that this call is referring to the second item on the agenda; the caller continued with his comments.

I understand that you can have up to 20-30 units per acre and is this area 6 acres?

Zimmerman wasn't certain as the details were not in front of him.

I'm concerned about the density, doing this development imposes livability issues and traffic issues. This proposal was brought up before and there were similar concerns about livability and traffic then. I don't want to see 2 story apartments with underground parking, it's not conducive to good livability.

The **Chair** opened the discussion on this item and stated underground parking doesn't need to be tied to density and it can be a nice amenity; it also may leave room for green space. This led the conversation into developing properties with the largest density and the least cost. Incentives can be useful as it leads to a more livable building for longer. **Segelbaum** expressed his concern over making

a such a large decision without a deeper dive in repercussions. The discussion moved in to projected population growth and city development as well as the Comp Plan and what that means with the approval from Met Council. **Commissioner Johnson** recalled conversations around the comprehensive plan and growth of the city outpacing the projections of the Met Council. He added that growth has been sustained and managed, specifically through PUDs, and doesn't understand how aligning with Met Council's projections will improve Golden Valley's current plan. **Commissioner Baker** asked staff to expand; **Zimmerman** clarified that this wasn't an alignment with another plan but rather ensuring Golden Valley's zoning and land use will meet the density projections in Golden Valley's comp plan. Without that action, the City won't have the correct zoning to match its density projections.

Paula Pentel

941 Angelo Drive

Calling about the new R-3 density, this is a wonderful for the city to consider doing. It brings conformity and I don't think we need to worry about current units because they aren't going anywhere or changing. Being consistent about what we want to see moving forward, is a very good idea. I was on the Council when the area across 55 was rezoned, the various neighbors riled up and the existing Council backed down. We sit just to the west of Minneapolis and we have a great obligation to provide good density of housing.

Commissioner Pockl cited attachment language on section of code 113-90, "within the principle uses under the medium density residential zoning district that 1,2,3,4 are required to be consistent with the City's mixed income housing policy" and asked how the City would be inconsistent with the mixed income housing policy. **Zimmerman** responded that the phrase was added when the policy was passed and wanted to be clear that new multi-family units were required to have a certain number of affordable units.

Edward Chesen

7507 Harold Ave

This proposal to rezone came up 10 years ago and I was president of our townhome association and had been a member of the board of building review, I was also a caller that was riled up, but for good reason. The reasons stand today, I don't know if the Commission has considered what has happened in that area since the proposal was turned down. The developers that wanted to develop the area backed out and some smaller developers came in and developed a number of units into single family housing. There's a lot more to this than the serenity of the neighborhood. I wonder if the property owners in light of the rezoning turn down would have legal recourse to have their property zone changed again.

Zimmerman added that the latest call is related to the second public hearing.

The **Chair** added that he doesn't like the idea of the City losing its leverage to make the kind of development happen that it wants to see happen, including amenities or tweaks to specific properties. **Zimmerman** said a number of Commissioners have agreed that there needs to be a way that this complies with the Comp Plan but this may not be the best approach. He added that if

Commissioners are open, this item be tabled so they can find a way to comply per Met Council but create a broader list of checks and balances. **Brookins** stated his support for what’s presented and believes it’ll benefit Golden Valley in the long-term. He added that he’d hate to see this item go through another 10-year cycle before it’s addressed again. **Commissioner Baker** stated his support for tabling the item in order to collect additional information. **Segelbaum** and **Pockl** echoed Baker’s statement.

MOTION made by **Commissioner Baker**, seconded by **Commissioner Brookins** to table this agenda item and discuss at a later meeting with additional information. A roll call vote was made and passed unanimously.

5. Informal Public Hearing – Zoning Map Amendments

Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan

Applicant: City of Golden Valley

Jason Zimmerman, Planning Manager, stated the request to continue rezoning properties in order to conform with the Future Land Use Map in the 2040 Comp Plan. Staff reminded Commissioners that this started with the rezoning of the I-394 Mixed Use properties. A map was then displayed of the existing zoning map and the future land use map, in order to illustrate how rezoning will take place as the City comes into conformity with the comp plan.

Zimmerman expressed that there are NO active development proposals for any properties that are currently under consideration for rezoning, this item is strictly administrative.

There are six groups being addressed in this rezoning and includes 18 properties. Majority of them are being rezoned to match what is currently on the ground. A few are being rezoned in anticipation of future plans.

Group 1

9201 Olson Memorial Highway 8900 Betty Crocker Drive	Rezoning Office to Institutional Subdistrict I-4
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Group 2

1 General Mills Boulevard	Rezoning Industrial District to Office District
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Group 3

7831 Olson Memorial Hwy 7830 Harold Ave 440 Winnetka Ave N 7732 Harold Ave 424 Winnetka Ave N	7724 Harold Ave 400 Winnetka Ave N 7720 Harold Ave 7840 Harold Ave 411 Rhode Island Ave N	Rezoning Single-Family Residential (R-1) Medium Density Residential (R-3)
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Any development proposals in this area would require a traffic study.

Group 4

5635 Glenwood Ave 5701 Glenwood Ave	Rezoning Single-Family Residential (R-1) to Medium Density Residential (R-3)
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Group 5

501 Theodore Wirth Parkway	Rezoning High Density Residential (R-4) to Medium Density Residential (R-3)
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Group 6

5073 Wayzata Boulevard	Office to Commercial
1513 Utica Ave S	Office to High Density Residential (R-4)

Zimmerman closed his presentation by stating State statute requires all zoning designations to be consistent with the land uses identified in the Comp Plan within nine months of adoption. If the City chooses not to rezone any of these properties, the Future Land Use Map would need to be amended with the Met Council.

Staff Recommendation

Following the provisions of State statute (sec. 473.858, subd. 1) and the requirements of the Metropolitan Council with respect to comprehensive planning, staff recommends the 18 identified properties be rezoned as indicated.

Commissioner Pockl asked if some of the groups could be approved and others tabled, considering the previous agenda item was tabled. Staff said each group could be looked at separately and approved or tabled.

Chair Blum opened the public hearing at 8:24pm.

Tina Prokosch

7601 Harold Ave

I'm calling about group three, was this considered to be rezoned to an R-2? That would align with the other areas around here are an R-2 zoning and I'm concerned what an R-3 zoning will do to this area.

Martha Johnson

7647 Harold Ave

Why does Golden Valley seem to think rezoning group three is beneficial? The answer cannot be to increase density as I believe Golden Valley has met our density requirement. It would appear rezoning this area is out of character with surrounding areas.

Colin

7511 Harold

Calling in general support of the rezoning movement across the city and specifically related to the Winnetka and 55 intersection. I think there are a lot of city infrastructure that can support that type of development. If we're going to be a sustainable and economically viable city, we need to be progressive see these types of changes as good.

The **Chair** asked staff if the area was considered for R-2 designation. **Zimmerman** showed a map and said that during Planning Commission meetings, the lots addressed were not considered for R-2 as those are small single-family lots or duplexes. The discussion moved into the number of units per acre, building size limits, storm water regulations, and open space requirements.

Eric Pederson

130 Louisiana Ave N

A giant building on the intersection of Harold and Winnetka would make an already busy traffic area, a disaster when Covid ends. Not to mention I think we've done a good job building high density housing, including the monstrosity on Xenia that seems to be taking 5 years to build. My point is that we had an organized group 9 years ago, we gathered hundreds of signatures against a 5-story building in our neighborhood when nothing is taller than really 2 stories. I would ask you to see notes from this time and we were told no developments on Rhode Island and this neighborhood would occur and it had to be re-zoned to be re-developed. The area stayed as R-1 and R-2 and houses were built there. This area should remain R-2 to stay consistent with the neighborhood. We will organize again to prevent this re-zoning.

Tara Fini

7517 Harold Ave

I support the ordinance, we live in very nice area; the city has a lot to offer in terms of multi-family housing that isn't an eyesore. Maybe the city should do work to help residents understand what the project is and what it isn't. Doesn't seem like there's enough understanding of what this will look like.

Commissioners discussed this item and the history of it as it was brought up by callers. **Commissioner Segelbaum** stated he'd approve the groups but wants to look closer at group three before deciding. **Commissioner Pockl** echoed this and wants to discuss more details around group three. **Commissioner Brookins** stated his support of all the groups but would leave group 5 as a R-4, he doesn't see a change occurring. The Chair asked staff what their direction is. **Zimmerman** stated the Council would like a recommendation but group three can be tabled for further discussion. **Commissioner Johnson** made final comments regarding the potential inability to preserve trees and green space with building 4-5 story buildings. As well as assuming people will utilize land bridges just because of their existence.

MOTION made by **Commissioner Segelbaum** and seconded by **Commissioner Pockl** to approve the rezoning designations for groups 1,2,4,5,6. A roll call vote was made and passed unanimously.

MOTION made by **Commissioner Segelbaum** and seconded by **Commissioner Brookins** to table the designations relative to group 3 for further discussion. A roll call vote was made and passed unanimously.

6. Discussion – Architectural and Material Standards for Mixed Use Properties

Jason Zimmerman, Planning Manager, reminded the group that when the City adopted architectural and material standards for new developments in the R-3, R-4, Commercial, Office, Institutional, Light Industrial, and Industrial zoning districts; the Mixed-Use district had not been finalized or adopted. This discussion will be to revisit the regulations that were adopted previously and to begin to outline the parameters for standards in the Mixed-Use zoning district. Details regarding the elements are in the memo. **Chair Blum** stated he recalls the conversation, likes the list, and supports the need for consistency. **Commissioners Brookins, Segelbaum, and Pockl** echoed the Chair's statement.

7. Discussion – Fences, Screening, and Garden Structures

Myles Campbell, Planner, stated that last year staff identified a number of areas in which the existing code language regarding screening, and specifically fencing, could be improved upon. **Campbell** expanded that the revisions are largely based on resident feedback and observed patterns in how properties are utilizing fences and garden structures. The three items addressed surround arterial road fence height exceptions, garden structures, and public safety screening exceptions.

Arterial Road Fence Height Exception

Current zoning code for residential properties limits the height of fences to 4 feet in the front yard of homes. Fences up to 6 feet in height are allowed in rear and side yards, this allows for some privacy between properties and to mitigate the carrying of noise. There is an existing exception for front yard fences to extend beyond 4 feet in height and is based upon the property's proximity to a major roadway. A large number of variance requests have come before the BZA for properties that do not adjoin a minor arterial, but which are separated by a frontage road from a large principal arterial roadway. These properties experience similar or greater noise impacts and still need to pursue variances. Calculating the number of variance requests, and that these requests are almost unanimously found to be reasonable, staff feels a new exception should be included in the code for homes that are adjacent to or directly across a frontage road from a principal arterial. Specific language to follow.

Chair Blum asked if ROW plantings could be put in place instead of taller fences. **Campbell** recalled a variance that utilized fencing and plantings but a greater conversation could occur. However, many plantings won't create enough mitigation for residents. Most of these examples are facing highways or frontage roads, the fences generally won't face neighbors or other houses.

Garden Structures

In both the R-1 and R-2, garden structures are required to be no less than 5 feet from any property line, including the front property line, and the garden structure shall not exceed 10 feet in height.

This was to allow these structures in front yards to provide decorative accents to residents' gardens and landscaping, and to make a delineation between these structures and sheds or detached garages. Recently, staff noticed the use of substantial garden structures to provide screening above the allowed 6 feet of fencing in residential neighborhoods. Staff is seeking some discussion and feedback from the Commission on what action they'd like to take.

Chair Blum asked if the structure's primary use is to screen, should it be removed from the code. However, there's a wide range of interpretation and altering dimensions of the structure may be more concrete than stating a primary use. The conversation continued around possible dimension and location restrictions, and how restrictive language should be regarding a specific number or a certain percentage of the lot size.

Public Safety Screening Exception

For Commercial and Industrial properties, the City has strict restrictions on screening the property and any outdoor storage. The goal was to promote greater cleanliness and order within the City's Commercial and Industrial districts. Recently, the Chief of Police raised an unintended consequence of these stringent screening requirements. An outdoor storage facility opening in the City applied for a fence permit, and presented a plan that would meet the City's requirements; however, Police asked if a portion of the screening requirement could be waived or reduced along the main street-side of the property due to safety monitoring. Staff feels that while one of the central tenants of the zoning code is to promote the welfare of the City and its property owners, another equally important consideration is the safety of the City. Staff's initial thought is to treat this exception as an administrative decision given that the decision to reduce the screening may be based upon different sets of circumstances.

Televised portion of the meeting concluded at 9:37 pm

8. Council Liaison Report

Council Member Rosenquist reported that the agreement for Phase III of the Downtown Study was approved by the City Council. Work will begin over the summer and continue into the fall. The Council also accepted a bench donation from the family of Lisa Wittman. **Rosenquist** gave a preview of the upcoming Council/Manager meeting which will focus on issues of equity and policing. She encouraged Commissioners to visit the Mapping Prejudice website to see how the use of racially restricted covenants spread across Golden Valley.

9. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings

10. Other Business

11. Adjournment

MOTION by **Commissioner Brookins** to adjourn, seconded by **Commission Baker**, and approved unanimously. Meeting adjourned at 9:47 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary

Planning Commission

July 27, 2020 – 7 pm

REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Planning Commission meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line.

The public was able to participate in this meeting during public comment sections, by dialing the public call-in line.

1. Call to Order

The meeting was called to order at 7:00 by **Vice-Chair Pockl**.

Roll Call

Commissioners present: Rich Baker, Adam Brookins, Andy Johnson, Lauren Pockl, Ryan Sadeghi, Chuck Segelbaum

Commissioners absent: Ron Blum

Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner

Council Liaison present: Gillian Rosenquist

2. Approval of Agenda

Vice-Chair Pockl asked for a motion to approve the agenda.

MOTION made by **Commissioner Baker**, seconded by **Commissioner Brookins** to approve the agenda of July 27, 2020. Staff called a roll call vote and the motion carried unanimously.

3. Approval of Minutes

Vice-Chair Pockl asked for a motion to approve the minutes from July 13, 2020. **Commissioner Johnson** asked for edits and requested two comments of his be added, one on each Public Hearing item.

MOTION made by **Commissioner Johnson**, seconded by **Commissioner Brookins** to approve the July 13, 2020 meeting minutes, after edits were made. Staff called a roll call vote and the motion carried unanimously.

4. Informal Public Hearing – Zoning Text Amendment

Architectural and Material Standards for Mixed Use Properties

Applicant: City of Golden Valley



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



Jason Zimmerman, Planning Manager, stated that he did not have a presentation as that portion of the discussion occurred at the previous meeting. He reminded Commissioners that in 2019, the City adopted architectural and material standards for new developments in the R-3, R-4, Commercial, Office, Institutional, Light Industrial, and Industrial zoning districts. These regulations addressed many aspects of building façades, opening, entrances, and screening, as well as the types of materials allowed in construction.

At that time, the Mixed Use zoning district had not been finalized or adopted, so standards were not included for that district. With the adoption of the Mixed Use district early in 2020, it is now necessary to amend the architectural and material standards section of code in order to address buildings that may be developed in those areas.

Zimmerman reminded Commissioners about the material standards classification and what is prohibited. He reviewed the standards set for each zoning district and that staff believes the Mixed Use is most comparable to the Commercial, Office, and Institutional zoning districts and therefore recommends similar standards.

Commissioner Brookins asked why concrete brick was prohibited. **Zimmerman** responded that there was concern about plain concrete walls as the exposed face of the building. This is a prohibited use across zoning districts.

Vice-Chair Pockl opened the public hearing at 7:12 pm.

Commissioner Johnson stated consistency across zoning districts is important and a good idea, and added his support of this item. **Brookins** echoed this statement and added that concrete brick can be classified as a specialty concrete block, class II material; and it can be a tasteful finished product.

Brookins added it could be struck from this item and the language may be cleaned up in the other zones at a later date. The conversation continued on to specifics about concrete brick versus block and if this material is generally residential or commercial. **Zimmerman** asked if the prohibition on concrete brick should be removed and specialty concrete block stay listed as a class II. Through discussion, the Commissioners agreed that was a reasonable change to make, across districts.

Vice-Chair Pockl closed the public hearing at 7:21 pm.

MOTION made by **Commissioner Brookins** and seconded by **Commissioner Sadeghi** to modify City Code Section 113-157: Architectural and Material Standards list by striking concrete brick from the list of prohibited materials. Staff took a roll call vote and the motion carried unanimously.

5. **Informal Public Hearing** – Zoning Map Amendments

Revising the Density Range of the Medium Density Residential (R-3) Zoning District

Applicant: City of Golden Valley

Jason Zimmerman, Planning Manager, started with a presentation and reminded Commissioners that the conversation began at the last meeting and was tabled in an attempt to gather more

information. He reiterated that when the City adopted the 2040 Comprehensive Plan, they committed to considering certain text amendments in order to fulfill policy objectives included in the plan; this is part of that required process.

Based on Commissioner feedback from the last meeting, staff is proposing a slightly different plan with more oversight from the city:

- Up to 15 units per acre
- Increase to 20 units per acre with a Conditional Use Permit
- Senior/disability housing up to 20 units per acre
- Increase to 30 units per acres with a Conditional Use Permit

These items will also bring all R-3 zoned properties into conformance.

Zimmerman displayed a list of properties to illustrate their current zoning and their proposed zoning, he expanded on units per acre, density, as well as if the property had an existing PUD-as that requires a separate process to add units.

Staff recommendation:

Amend the text of the Medium Density Residential (R-3) Zoning District to revise the allowed density range and strike the density bonus provisions, as detailed in the attached document (Underline/Overstruck language for Sec. 113-90 of the City Code).

Commissioner Baker asked if there was a correlation between density and affordability. **Zimmerman** responded there isn't a single answer to that question, Golden Valley has seen a very dense units built that are also considered luxury apartments. That's generally not the main goal however, with more units in place, the average cost of rent can come down because of the sheer number of units. The conversation evolved into density ranges, and accommodating Met Council's predictions for density growth. **Baker** asked why the concept of density bonuses was eliminated with the 2040 Comp Plan. **Zimmerman** stated that the bonuses were so specific, that there wasn't flexibility, they were also limited to certain areas, limited to certain types, and limited to structured parking. **Baker** added that other city priorities should be included as incentives as opposed to striking bonuses all together. **Zimmerman** responded that it's a good idea and should be worked on in collaboration with other departments and then applied to multiple zoning districts. **Commissioner Johnson** asked if Golden Valley has a lot of PUDs comparatively and what rezoning to an R-3 solves if so many already are PUDs. **Zimmerman** stated that cities use PUDs differently, many of the R-3 properties are PUDs because they were developed to almost resembled campuses, 3-4 buildings with parking. By-right is one building so using a PUD, in those situations, made more sense. Additionally, Met Council realizes that PUDs create unknowns for what density they actually create.

Vice-Chair Pockl opened the public hearing at 7:56 pm.

Segelbaum said he liked the incentives to help provide added density and would like to lower the by-right number and then apply new incentives across zoning districts. The old incentives aren't as

applicable so finding new ones may help improve developments in Golden Valley. **Baker** echoed this statement. **Johnson** added that a CUP is pretty straightforward and he doesn't support that. The city has a good level of growth and there seems to be a challenge with this central plan. Adding that if the density increased to 15 units per acre that it seems to be in a landlord's best interest to sell a property and potential displace those living in the complex. **Johnson** reiterated that he struggles to understand why the City needs to rezone to meet Met Council's expectations when it appears the City does a good job managing density already. **Commissioner Sadeghi** asked how the by-right number was raised to 15 and **Zimmerman** responded that it's higher than the current number with room to increase more with a CUP or PUD and then requires an extra city review. **Sadeghi** stated his support for 15 units and 20 for senior housing. The conversation continued on whether or not to keep the proposed number of units per acre or to drop it down and come back to discuss incentives. The conversation then moved on to Met Council's expectations and the growth projections for Golden Valley.

Vice-Chair Pockl closed the public hearing at 8:25 pm.

Brookins stated he's not in favor of density bonuses. Adding that trying to predict what the community needs is difficult and while may provide comfort isn't generally successful. **Pockl** asked staff how they determine what the community needs, in order to create incentives. **Zimmerman** said he would go back to the Comp Plan and review goals in the plan. **Baker** added that the City has a responsibility to incent the things they want to see happen, and would strengthen the incentives.

MOTION made by **Commissioner Baker** and seconded by **Commissioner Brookins** to table this item so staff may prepare suggestions on incentives. Staff took a roll call vote and it passed unanimously.

6. Discussion – Fences, Screening, and Garden Structures

Myles Campbell, Planner, stated that this was a continued conversation from last meeting and reminded Commissioners this discussion will be to introduce the proposed revisions as well as the initial draft language for each.

There are three items for discussion and the first two were discussed at length at the previous meeting:

- Should lots indirectly adjacent to principal arterials have a front yard fence height exception?
- What is the best method to administer an exception to commercial/industrial screening requirements as requested by GV Police?
- Do the rules and definition of garden structures need to be refined to prevent their use as screening extensions?

Arterial Road Fence Height Exception

Under the existing code, residential properties can have a fence up to a maximum of 4 feet in their front yard.

There is one exception to the 4 ft. height limitation, from **§ 113-152, Subd. (d)(2)**

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street, as designated by the City.

The exception refers only to *minor arterials*, staff has recently seen an influx of variance requests for lots that indirectly abut *principal arterials*. Principal Arterials are larger and have a greater impact on properties from their heightened activity. Generally, staff and the BZA have found these requests reasonable given the exception from § 113-152, Subd. (d)(2) making 6 feet in height allowed for lower impact roads. The number of variances, lead staff to believe this should be a code change.

Suggested Revision: Add the following underlined language to **§ 113-152, Subd. (d)(2)**

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway or expressway; as designated by the City.

Public Safety Screening Exception

During review of a recent fence permit application by a self-storage facility, Golden Valley Police requested a section of screening be waived or built at a lower opacity to allow visibility into the site. This is a fairly unique request, but staff would like to modify the existing code for screening exceptions to allow for similar requests in the future.

Suggested Revision: Add the following exception to **§ 113-152, Subd. (d)**

A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or his/her designee, and only upon request by the Golden Valley Police Department

Garden Structures

In 2010, Planning Commission modified the zoning code to allow for expanded use of garden structures on residential lots.

- Included a new definition, and a separate set of standards from other accessory structures.
- The modifications were intended to allow for the use of garden structures to enhance the aesthetic appeal of a garden or landscaped area.

§ 113-1. – Definitions

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure.

§ 113-88 R-1 Zoning District, Subd. (g)(8)

Garden Structures. Garden structures shall be located no closer than five feet to any lot line. Garden structures shall not exceed 10 feet in height.

Identical Restriction in § 113-89 R-2 Zoning District, Subd. (g)(8)

Staff has encountered cases where garden structures are being used to achieve taller screening structures than normally allowed.

Staff reviewed the zoning code language of neighboring communities to see how pergolas and trellises were handled in other cities:

- Garden Structures were not commonly highlighted in code.
 - They were considered accessory uses in St. Louis Park, but no regulation other than the restrictions for all accessory structures were given.
 - Trellises were an allowed setback encroachment in Robbinsdale.
- Greenhouses were listed as accessory structures in Edina and Robbinsdale, but these were not considered part of the Golden Valley definition of Garden Structures.

After review, staff thinks modifying the definition of garden structures makes the most sense for addressing the issue:

- Maintains the existing flexibility in locating garden structures.
- Clarifies that that the definition does not include greenhouses, gazebos, and more significant roofed accessory structures.
 - Would raised beds and smaller food production uses be considered garden structures?
- Explicitly removes fencing from the definition of garden structures.

Suggested Revision: Add the following underlined language to **§ 113-1. – Definitions:**

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure. Garden structures do not include greenhouses, gazebos or fencing.

Pockl, Sadeghi, and Segelbaum voiced support of the amendments and **Pockl** added that a motion and a vote will be made at the next meeting.

Televised portion of the meeting concluded at 8:46 pm

7. Council Liaison Report

Council Member Rosenquist reported on a Virtual Town Hall meeting that was scheduled for July 28 around Building and Equitable Golden Valley. She also encouraged Commissioners to view a CCX story on removing racially restrictive covenants. **Rosenquist** commented on a letter that had gone out urging the Governor to take action on the Blue Line Extension project. She noted that the Narrow Lot regulations had been approved at the City Council and that the Council also approved directing \$100,000 in grant money to PRISM to assist with rent and food support. Finally, she stated that the City Council had approved a city-wide mask ordinance only to have it superseded by the Governor's announcement the next day.

8. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings

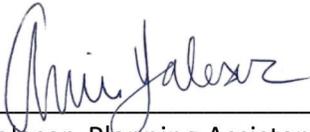
Commissioner Pockl was assigned to be the Planning Commission representative at the next Board of Zoning Appeals meeting.

9. Other Business

No other business was discussed.

10. Adjournment

MOTION by **Commissioner** to adjourn, seconded by **Commission**, and approved unanimously.
Meeting adjourned at 9:02 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary

Environmental Commission

July 27, 2020 – 6:30 pm

REGULAR MEETING MINUTES

This meeting will be held via Cisco Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by calling 1-415-655-0001 and entering the meeting code 141 267 1740. For technical assistance, please contact support staff at 763-593-8007 or webexsupport@goldenvalleymn.gov. If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration. Additional information about for monitoring electronic meetings is available on the City website.

1. Call to Order

The meeting was called to order by Chair Seys at 6:32.

2. Roll Call

Commissioners present: Scott Seys, Debra Yahle, Tonia Galonska, Dawn Hill, Jim Stremel, Shannon Hansen

Commissioners absent: Wendy Weirich

Council Members present: Larry Fonnest

Staff present: Eric Eckman, Environmental Resources Supervisor;
Emma Pierson, MN GreenCorps Member;
Carrie Nelson, Administrative Assistant

3. Approval of Agenda

MOTION by Commissioner Galonska, seconded by Commissioner Stremel to approve the agenda of July 27, 2020 and the motion carried.

4. Approval of June 22, 2020 Regular Meeting Minutes

MOTION by Commissioner Yahle, seconded by Commissioner Galonska to approve the minutes of June 22, 2020 as submitted and the motion carried.

5. Old Business

A. Partners in Energy Update (PIE)

- i. About 18 applications have been received so far with more expected. The selection committee will review them later this week and select the 12-member team.
- ii. The first workshop will take place mid-August – Virtual meeting



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B. Curbside Organics Collection Update

- i. A draft of the contract should be ready for the EC by Sept/Oct.
- ii. It will go to a council manager's meeting one more time.
- iii. RFP late this year.
- iv. Award contract early next year.
- v. Will have almost a year to prepare and promote this.
- vi. City of Edina 2020 roll out:
 1. Has had 1 full month of city-wide use.
 2. Everyone has a 35-gallon bin with a big sticker of what you can and can't recycle that resident say has been very helpful.
 3. 30% participation.
 4. Very low contamination rates.
 5. They will be testing out 13-gallon bins in the future. This was put on hold because of Covid-19. Older residents have mentioned wanting smaller carts.
 6. 10-12% of residents have returned their bin at contractor's expense.

C. Environmental Justice Collaboration

- i. Chair Seys discussed the high-level plan that he and the HRC subcommittee have recommended so far. It is a three-pronged approach as outlined in the agenda packet.
- ii. In order to continue the collaboration with the HRC in an efficient manner, Chair Seys offered to form a small subcommittee of 2-3 members tasked with communicating and coordinating directly with HRC's subcommittee members between meetings and up through the events in order to execute the plan. Chair Seys asked for volunteers and Debra Yahle agreed to join the group.
- iii. Council member Fonnest offered that the Commissions, or their respective subcommittees, could reach out to Joelle Allen from Rising Tides Task Force. He also inquired about the environmental inequity mapping, and asked if there is information on income strata or immigrant populations in Golden Valley? Staff discussed the information available and pointed to a couple mapping resources to help show this.
- iv. Staff showed the results of its latest analysis to look at social, economic, and environmental information and merge these data within maps to show where Golden Valley has existing inequities in green amenities and environmental resources and where future partnerships, investments, and service events could be proposed.
- v. One thing for the Commission to consider: Should the various social, economic, and environmental parameters in the maps have weighted values? Perhaps the priority partnership and investment areas in the maps would look slightly different. The Commission thought this should be something the HRC and its subcommittee could look into.

MOTION by Chair Seys, seconded by Commissioner Hill to approve the creation of a sub-committee of 2 or 3 Environmental Commission members to work with the Human Rights Commission sub-committee on the Environmental Justice Collaboration and the motion carried.

D. Downtown Study

MOTION by Commissioner Hill, seconded by Commissioner Galonska to approve the list of Environmental Considerations for the Downtown Study with the following changes and the motion carried.

- i. 5th bullet from top: Add – ...and prioritize bike/ped routes in and through new developments in the downtown area.
- ii. 8th bullet from top: Change – Require the vast majority of parking spaces... – to – Require at least 75% of parking spaces in the downtown area be contained within stacked/decked parking ramps instead of land extensive at-grade parking lots.
- iii. 4th bullet from bottom:
 1. Change – Encourage native plantings over manicured landscapes – to – Encourage native plantings in place of manicured landscapes.
 2. Add - Plant shade trees near parking areas.
 3. Add - Include edible plants and trees in the landscapes.
- iv. 2nd bullet from bottom - add Green Roofs to sentence.
- v. Add new bullet – Encourage LEED design achieving gold or platinum standard (similar to PUD Amenity Option in city code).

Staff will forward this list to planning staff and the planning consultant working on the study.

6. New Business

A. Farewell to Emma Pierson, MN GreenCorps Member

B. Pollinators – Chemical Application Practices and Procedures

- i. The staff overseeing the chemical application are trained and certified by the Minnesota Department of Agriculture.
- ii. All products are applied according to state and federal law and label recommendations.
- iii. Phosphorus-free fertilizer and herbicides on high-use turf areas are applied on a limited, as-needed basis.
- iv. The City uses weather forecasting, instrumentation, and technology to more efficiently and effectively target and apply products.
- v. Brookview Golf Course is the only location with a regularly scheduled process.

C. Program/Project Updates

- i. On file.

D. Council Updates

- i. Election Year
 - 1. Vote by mail, absentee, or in person
 - 2. Call City Clerk – Kris Luedke - to vote by mail – 763-593-8012
- ii. Golden Valley is hiring an Equity Manager to work along with the Riding Tides Task Force and to help move forward to build an equitable Golden Valley.

E. Other Business

- i. None

7. Adjournment

MOTION by Commissioner Galonska, seconded by Commissioner Yahle to adjourn the meeting at 8:38 pm and the motion carried.

ATTEST:

Carrie Nelson, Administrative Assistant

Scott Seys, Chair

Human Rights Commission

REGULAR MEETING MINUTES

June 23, 2020 – 6:30 pm
Via Cisco Webex Meeting

Call to Order

The meeting was called to order at 6:34 pm by Chair Mitchell.

Roll Call

Commissioners present: Chris Mitchell, Destiny Nathan, Mary Giese, Teresa Martin, Carrie Yeager, Jonathan Burris, Naamah Murphy, and Leah Persky (6:42 pm)

Commissioners absent: Leah Persky and Kyle Scott

Council Member present: Maurice Harris

Staff present: Kirsten Santelices, Human Resources Director/HRC Staff Liaison

Approval of Agenda

MOTION by Chair Mitchell to add Council Liaison update to agenda, seconded by Vice Chair Yeager. Motion carried 7-0.

MOTION by Vice Chair Yeager to approve agenda with addition. Seconded by Commissioner Martin. Motion carried 7-0.

Approval of Minutes

MOTION by Commissioner Martin to approve May 26, 2020 meeting minutes as submitted. Seconded by Vice Chair Yeager. Motion Carried 7-0.

MOTION by Vice Chair Yeager to approve June 5, 2020 Special Meeting minutes. Seconded by Commissioner Martin. Motion carried 7-0.

Chair/Vice-Chair Elections

Staff Santelices provided a very brief overview of the responsibilities of the Chair/Vice-Chair roles and pulled up the bylaws to determine the eligibility for each position.

Commissioner Martin nominated Chris Mitchell for Vice Chair. All agreed. Motion carried.

Commissioner Mitchell nominated Carrie Yeager for Chair. All agreed. Motion carried.

Council Liaison Update

Council Member Harris provided an update to the Commission on some of the recent business from the city Council. These updates included: hiring the Equity Manager, accepting the Rising TIDES Task Force recommendations, approving the CORR plan, and business operations of the City during COVID-19.

Council Member Harris also shared the opinion editorial piece that came from the City Council and thanked the Commission for their continued efforts.



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Old Business

Land Acknowledgment

Commissioner Giese shared that she had found a lot of information and is prepared to put together a presentation with the Commission's input. The Commission discussed the timeline for a presentation to the Council and agreed that an October timeline may be appropriate and the subcommittee would work to have a draft of the presentation for the August or September HRC meeting.

Subcommittee Updates

Sign Committee

The subcommittee shared that they were seeking to find local artists who may be interested in helping the HRC make a yard sign. Some questions arose, including: Are the signs for purchase or give away? Can the commission pay the artist? Can the Commission use the proceeds to donate to a cause? Staff will look into the legality of each of these items. Chair Yeager will reach out to the artists and contacts using criteria that Commissioner Persky wrote to see if anyone is interested. The second option is to ask the communications team to design something. The commission discussed keeping the sign prices between \$10-15 each.

Statement Committee

Vice Chair Mitchell shared a recap of the statement that the subcommittee created to ___ racism and support community members of color. Staff Santelices shared when it went out and where it was posted.

Video Committee

Due to Commissioner Nathan's technical difficulties, Staff Santelices shared the update with the video, moving the timeframe back a few days. Commissioner Nathan will edit over the weekend and it will be sent out as soon as it is complete.

Commission Partnerships Updates

Environmental Commission

Vice Chair Mitchell discussed the opportunity to partner with the EC on an initiative. The Commissioner agreed to create a subcommittee from the HRC and a subcommittee from the EC to work together. The subcommittee is: Commissioners Murphy, Persky, and Vice Chair Mitchell. They will flesh out ideas and present them at the next meeting. Commissioner Martin will provide them with the contacts at the University of Minnesota and recommended connecting with the library.

Planning Commission

Vice Chair Mitchell shared that Planning Commissioner Baker reached out to discuss the issue of lot size restrictions and the intersection with affordability and other human rights issues. Vice Chair Mitchell will update the HRC once they have connected and to discuss this topic further.

Partners in Energy: Energy Action Team

Staff Santelices shared that the City is partnering on a Partners in Energy program and putting together an Energy Action Team. The call for members is out and the City is hoping to have at least one member of the HRC on the team. Santelices will email the information and application to all members.

Day of Service Discussion

Vice Chair Mitchell briefly restated the intent to partner with the Environmental Commission on an initiative for Day of Service. Commissioner Persky shared information about PRISM's efforts to recruit volunteers for their annual Back to School Success backpack event. Volunteers would sort, organize, and fill backpacks during the weeks of August 3 and August 10. Additionally, PRISM may be looking for items to fill the backpacks. It was recommended that the HRC's EquALLity stickers be added to the backpacks if possible. Commissioner Persky will look into it. Additionally, Commissioner Persky will share the volunteer sign-up slots when they become available. The Commission discussed providing a monetary donation to PRISM to help with supplies.

MOTION by Commissioner Martin to donate \$200 to PRISM for the backpack drive.
Seconded by Commissioner Burriss. Motion carried 8-0.

Staff will also ensure the information is added to the City newsletter.

Staff Santelices asked the Commission if, given the time, they would prefer to discuss items D (MLK Literary Contest Discussion) and E (Human Rights Day Discussion) or move them to the next agenda.

MOTION by Commissioner Burriss to move agenda items D and E to the July meeting.
Seconded by Commissioner Martin. Motion carried 8-0.

New Business

Restrictive Covenant Project Updates

Vice Chair Mitchell and Staff Santelices provided a brief update on the restrictive covenant project that the HRC started in 2019. There will be more of an update at subsequent meetings.

Future Agendas

Commissioners discussed potential agenda items for the future, including CEDAW, Human Rights Day, and Mental Health for Police Officers (a presentation that may have been given in the past). Commissioner Persky will give a CEDAW overview at the July meeting.

Adjourn

MOTION by Commissioner Burriss to adjourn at 8:17 pm. Seconded by vice Chair Mitchell.
Motion carried by unanimous consent.

Carrie Yeager, Chair

ATTEST:

Kirsten Santelices, Staff Liaison



Bassett Creek Watershed Management Commission

Minutes of Regular Meeting Thursday, July 16, 2020 8:30 a.m.

Via video conference due to the COVID-19 global pandemic

1. CALL TO ORDER and ROLL CALL

On Thursday, July 16, 2020 at 8:31 a.m. via video conference, Chair Prom called the meeting of the Bassett Creek Watershed Management Commission (BCWMC) to order.

Commissioners and city staff present:

City	Commissioner	Alternate Commissioner	Technical Advisory Committee Members (City Staff)
Crystal	Dave Anderson	<i>Vacant Position</i>	Mark Ray
Golden Valley	Stacy Harwell (Treasurer)	Jane McDonald Black	Jeff Oliver, Eric Eckman
Medicine Lake	Clint Carlson	Gary Holter	<i>Absent</i>
Minneapolis	Michael Welch (Vice Chair)	<i>Vacant Position</i>	Liz Stout
Minnetonka	Mike Fruen	<i>Vacant Position</i>	Leslie Yetka
New Hope	<i>Absent</i>	Patrick Crough	Megan Hedstrom
Plymouth	James Prom (Chair)	Catherine Cesnik	Ben Scharenbroich
Robbinsdale	<i>Vacant Position</i>	<i>Absent</i>	Marta Roser, Richard McCoy
St. Louis Park	Jim de Lambert (Secretary)	<i>Absent</i>	Erick Francis
Administrator	Laura Jester, Keystone Waters		
Engineer	Karen Chandler, Barr Engineering Meg Rattei, Barr Engineering		
Recorder	Dawn Pape, Lawn Chair Gardener		
Legal Counsel	Dave Anderson, Kennedy & Graven		
Presenters/ Guests/Public			

2. PUBLIC FORUM ON NON-AGENDA ITEMS

None.

3. APPROVAL OF AGENDA

MOTION: Commissioner Harwell moved to approve the agenda. Commissioner Welch seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of New Hope and Robbinsdale absent.

4. CONSENT AGENDA

The following items were approved as part of the consent agenda: June commission meeting minutes, July financial report, payment of invoices, approval of salt symposium registration reimbursement for Alternate Commissioner Cesnik, and 1230 Angelo Drive Shoreline repair project in Golden Valley.

The general and construction account balances reported in the July 2020 Financial Report are as follows:

Checking Account Balance	720,492.14
<hr/>	
TOTAL GENERAL FUND BALANCE	720,492.14
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TOTAL CASH & INVESTMENTS ON-HAND (7/8/20)	4,021,241.64
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CIP Projects Levied – Budget Remaining	(4,542,135.65)
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Closed Projects Remaining Balance	1,585,555.67
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2015-2018 Anticipated Tax Levy Revenue	2,288.14
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2019 Anticipated Tax Levy Revenue	4,953.76
<hr/>	
Anticipated Closed Project Balance	1,592,797.57
<hr/>	

MOTION: Commissioner Welch moved to approve the consent agenda with the exception of item 4E which is to be added to the business agenda as 5F. Commissioner Anderson seconded the motion. Upon a rollcall vote, the motion carried 7-0, with the cities of New Hope and Robbinsdale absent.

[Alternate Commissioner Crough, New Hope, joins meeting.]

5. BUSINESS

A. Receive Update on Main Stem Lagoon Dredging Project and Maximum Levy Discussions

Administrator Jester provided an update on recent discussions regarding the maximum levy and the Main Stem Lagoon Dredging Project. She noted that Minneapolis Park and Rec Board staff are supportive of the project, they may be able to assist with certain grant applications, that the project fits into the park’s master plan, that MPRB may be able to contribute capital funds in 2023, and that they would provide access and permits. She also noted the MPRB staff indicated they may not have the staff capacity to implement the project in the next few years and that since there is no structure to own or maintain with this project, it may be a good opportunity for the Commission to implement the project rather than a city or partner.

Administrator Jester reported on a recent discussion with Bill Emory, Hennepin County Commissioner Fernando’s Policy Aide. She noted that a meeting with Commissioner Fernando is arranged for July 30th and that Mr. Emory indicated that although Commissioner Fernando is extremely supportive of the BCWMC and its work, it would be difficult to support such an increase in levy amounts right now. She noted that many county

commissioners are hoping to have no increase in the 2021 tax levy over 2020 levels, or perhaps to even lower the levy.

Administrator Jester then reviewed another option for keeping the levy at or just below the current level, while still implementing the lagoon dredging project starting in 2021: spreading the cost of the project over 4 years instead of 3 years and using more Closed Project Account funds in 2021.

There was some discussion about grant opportunities and the fact that one state grant cannot be used to match another state grant or state funding. Commissioner Harwell stated that she liked the four-year option because it takes the financial situation into account, but also implements the project in phases.

Commissioner Welch brought up that even though Hennepin County Environmental Response Funds (ERF) haven't historically been used for this type of project, it would be worth checking with ERF staff before meeting with Commissioner Fernando. There was further discussion about logistics and talking points for the meeting with Commissioner Fernando.

MOTION: Commissioner Harwell moved to include the new option of funding the Main Stem Lagoon Dredging Project over four years, using \$500,000 of Closed Project Account funding in 2021, and keeping the levy under \$1.5M. Alternate Commissioner Crough seconded the motion.

There was further discussion about the "Plan B," or secondary option that Commissioner Fernando may be able to support, particularly for the Hennepin County Committee of the Whole meeting on August 4th. There was discussion about possibly drafting a formal statement from the Commission recognizing budget constraints and the financial crisis.

Commissioner Welch volunteered to make the presentation at the meeting with Commissioner Fernando. Chair Prom and Administrator Jester were authorized to revise the levy request. There was discussion about the contingency amount of 30% (of construction costs) included in the total project cost and the fact that spreading the cost over four years might increase the overall cost, but most likely within the contingency amount.

VOTE: Upon a rollcall vote, the motion carried 8-0, with the city of Minnetonka absent.

i. Consider Submitting Application for Clean Water Fund Competitive Grant

Administrator Jester noted that grant applications for the competitive Clean Water Fund grant are due August 17th and relayed her recent conversations with BWSR staff. She noted that dredging for BMP maintenance is not fundable, but that BWSR staff agreed this project might be considered for funding because the lagoons were not designed as BMPs. Commissioner Welch stated the Hennepin County Environmental Response Funds and the county's Opportunity Grants should be the first priority for grant applications. He noted the Clean Water Funds don't typically fund dredging projects.

Commissioner Engineer Chandler noted that DNR funding is unlikely since the dredging wouldn't decrease flooding or increase flood storage by a significant amount. There was consensus not to move forward with a Clean Water Fund grant application, but to continue looking into other grant opportunities, including working with MPRB staff on the possibility of historical preservation funds, pursuing BWSR watershed based implementation funds, and Hennepin County Opportunity grant funds. Alternate Commissioner McDonald Black noted the significance of the MPRB ranking of Theodore Wirth Park as its #1 Equity Park.

B . Review Report and Receive Presentation of North Branch Bassett Creek 2018-2019 Water Quality and Biotic Index Monitoring Results

Commission Engineer Chandler introduced Meg Rattei, a Senior Biologist at Barr Engineering. Chair Prom requested that commissioners hold questions until the end of the presentation.

Ms. Rattei gave a presentation on the results of monitoring in the North Branch Bassett Creek, noting it was the first stream to be monitored as part of the Commission's new stream monitoring program. As of 2018, the BCWMC monitoring program includes monitoring streams not only for biota, but also for water quality and flow. In order to spread out costs, only one stream is monitored at a time. The monitoring occurs over a two-year period. The North Branch Bassett Creek was monitored in 2018 and 2019 including the collection of 30 samples split between storm sampling with an automatic sampler and baseflow sampling with grab samples. Ms. Rattei presented the results.

Average stream flow was 2.9 and 5.4 cubic feet per second in 2018 and 2019, respectively. The stream met MPCA standards for temperature, metals, and stream eutrophication, but failed to meet standards for chlorides and total suspended solids. The stream also failed to meet the MPCA numerical standard for E. coli bacteria in 2018 and 2019, but the MPCA requires collection of a minimum number of samples within a 10-year period before determining impairment. Since the number of samples collected was less than the required minimum, not enough data was collected to determine impairment.

Between 1980 and 2018, the BCWMC collected benthic macroinvertebrates (aka bottom-dwelling organisms) from the North Branch of Bassett Creek on 11 occasions. The purpose of the sampling was to evaluate water quality and detect changes over time. The 2018 monitoring program sampled for macroinvertebrates and assessed habitat.

Three biotic indices were used to assess the macroinvertebrate data: Hilsenhoff Biotic Index (HBI), Invertebrate Community Index (ICI), and Macroinvertebrate Index of Biotic Integrity (M-IBI). The MPCA developed the M-IBI and added it to Minnesota's water quality standards to help identify biologically impaired rivers and streams.

Ms. Rattei reported that biological scores improved slightly in 2015, likely due to implementation of Commission stream restoration projects, but that the 2018 Hilsenhoff Biotic Index (HBI) and Invertebrate Community Index (ICI) scores were generally consistent with past values. She reported that none of the locations monitored from 2006 through 2018 met the MPCA M-IBI impairment standard and poorer M-IBI scores were documented at the North Branch in 2018. Thus, the North Branch of Bassett Creek would be considered biologically impaired. The 2018 decrease in score may be due to the negative impacts of increased flow and increased pollutant loading during a major precipitation event that occurred 2 weeks prior to collection of the 2018 macroinvertebrate samples.

Because the North Branch of Bassett Creek is biologically impaired and failed to meet MPCA standards for total suspended solids, chlorides, and E. coli bacteria from 2018 through 2019, it is recommended that BCWMC continue to assess and monitor the North Branch of Bassett Creek and continue education to reduce chloride use in the watershed.

Commissioner Welch asked about the need to analyze for parameters that don't have MPCA standards. Ms. Rattei noted those parameters are measured because the data are used to calculate values for some other parameters with standards. Chair Prom asked why more bacteria samples weren't collected in order to meet the monitoring requirements to determine impairment. Ms. Rattei noted that bacteria samples can only be done through grab sampling and that it is expensive to collect grab samples. She also noted that the E. coli standard is an aggregate of samples over 10 years, so there is still time to collect the appropriate number of samples within that time frame.

There was discussion about chloride state standards vs. total suspended solids standards. Commissioner Harwell asked why macroinvertebrates were collected only 2 weeks after a major flooding event. Ms. Rattei replied that early October is typically the best time to collect bug samples and there wasn't room in schedule to collect them later. Commissioner Harwell stated the need for actual projects and programs for chloride reduction in addition to education. There was a brief discussion about using volunteers for E. coli collection and other opportunities for collaboration.

C. Review Report and Receive Presentation of Main Stem Bassett Creek Biotic Index Monitoring Results

Ms. Rattei continued with a presentation on the biological monitoring of the Main Stem of Bassett Creek. Administrator Jester noted that the Commission relies on the water quality and flow data from the WOMP station, which is reported by Met Council and not included here.

Between 1980 and 2018, the BCWMC has collected data on biota and habitat from the Main Stem of Bassett Creek on 11 occasions in order to evaluate water quality and detect changes. In 2018, the BCWMC monitored the Main Stem of Bassett Creek at two locations: 1) east of Brookridge Avenue, and 2) at Rhode Island Avenue. The Met Council monitored the Main Stem at Irving Avenue in 2018 for both water quality (through the WOMP program) and biota/habitat.

In 2018, a statistically significant trend toward improving HBI scores (indicating improving oxygen conditions) was documented at the Main Stem Irving Avenue location. The improved HBI score at this location appears to have resulted from a Commission 2015 Main Stem stream restoration project which stabilized the stream and reduced sediment from Golden Valley Road to Glenwood Avenue. Sediment contains organic matter, which consumes oxygen during degradation, lowering oxygen levels in the stream. The significant improvement in HBI score documents the improved quality due to the sediment reductions in the stream following completion of the project. The 2018 ICI score from the Main Stem at Irving Avenue and the 2018 HBI and ICI scores from all other Main Stem sampling locations were consistent with past scores.

Improved M-IBI scores were documented at all Main Stem locations in 2018. Consistently improving M-IBI scores were documented at the east of Brookridge location since 2012 and at the Irving Avenue location since 2008. The long-term improvements appear to show the positive impacts of multiple Commission stream restoration projects completed from 2012 through 2018.

Commissioner Welch asked what does this all mean for the Commission's work; how can the data be used to develop policy decisions? Ms. Rattei agreed that it is disappointing that biological standards still aren't met, but that at least the trend is going upwards rather than downwards. The Commission work has been successful, it's just that this is a challenging stream and it is not yet "over the finish line."

Administrator Jester agreed that the Commission should work to better use its data to pinpoint needs and projects.

There was discussion about how the M-IBI standard was developed and where in the state the standard is being met. Commissioners wondered if meeting the standard is even attainable in an urban stream. Ms. Rattei noted that the M-IBI was introduced by the MPCA in 2015 and approved by the EPA in 2018 but that explanations for how it was developed remain unanswered and that outside entities weren't allowed to give input in developing the standards. She did note that biotic scores are very tied to good habitat and that the Commission should continue to find opportunities to improve habitat.

There was further discussion about understanding where the M-IBI standard is being met and the relationship between the Commission's monitoring results and how it does or does not inform projects and policies. Ms. Rattei noted that other watersheds are still trying to determine if investing in biotic assessments is the right thing to do. She offered to gather information on where the M-IBI is being measured and where it's being met or not met across the state.

D. Consider Submitting Resolution for 2021 MAWD Legislative Platform

Administrator Jester gave an overview of the MAWD request for resolutions and informed the Commission that the proposed resolutions are due September 1st. She asked if any Commissioners have ideas.

Commissioner Welch said there is an existing limited liability chloride resolution and we should consider asking for that to be pursued. Commissioner Welch also mentioned considering the Commission's levy structure, noting the MWMO was added to the list of organizations that can levy taxes. Chair Prom indicated his belief that only elected officials should be able to levy taxes.

Alternate Commissioner McDonald Black asked if MAWD could create a database of M-IBI scores across all watersheds. Commissioner Welch said that idea could be brought to Metro MAWD meeting next week. Commissioner Harwell noted that the Commission should not advocate for lowering a standard, but is interested in a comparison among watersheds.

4E. From Consent Agenda: Approval of Bassett’s Creek Park (North) Phase 1 Improvement Project, Minneapolis

Commissioner Welch asked the identity of the applicant and wondered why there are impervious surfaces in a park. Commission Engineer Chandler noted the Minneapolis Park and Rec Board is the applicant and pointed out that the summary information in the memo states that the impervious surfaces are the trails and sidewalks.

MOTION: Commissioner Welch moved to approve the Bassett’s Creek Park (North) Phase I Improvement Project. Commissioner Harwell seconded the motion. Upon a rollcall vote, the motion carried 8-0, with the city of Minnetonka absent from the vote.

F. Discuss Meeting Format for August 20th BCWMC Meeting

Chair Prom shared that he is comfortable with going back to meeting in person. Commissioner Harwell shared that the DNR directive is to work from home. Chair Prom listened to other members and sensed that the majority would like to continue meeting virtually. The August meeting will be via web conference.

6. COMMUNICATIONS

A. Administrator’s Report

i. Medicine Lake Mapping AIS with Drone

Through contract with Hennepin County, a private company is flying specialized drones in hopes of identifying and delineating different AIS in Medicine Lake. So far, results are encouraging. Administrator Jester will keep the Commission apprised of results, when available.

ii. Potential Restoration Partnership with Friends of the Mississippi River

Administrator Jester and Commissioner Welch met with members of a Bryn Mawr neighborhood group hoping to better organize restoration near the creek in Bassett’s Creek Park including invasive species removal and native plantings. Friends of the Mississippi River (FMR) may also get involved by developing a restoration plan, in cooperation with the MPRB. Administrator Jester reported on a recent meeting with FMR staff on this possibility and will keep the Commission apprised if and when things move forward.

ii. Diversity, Equity, and Inclusion Work

Administrator Jester reported that she recently participated in a Metro Watershed Partners meeting on this topic and is working to better understand how the Commission can provide for more inclusion, diversity and equity to address environmental injustices in the watershed.

Administrator Jester also noted that due to Boundary Waters trip, the August meeting packet may be sent/posted one day late. She also reminded commissioners about her agenda memo in the meeting packet which provides a good overview of agenda items.

B. Chair

Chair Prom commended the Commission for still getting its work done despite the pandemic and holding virtual meetings.

C. Commissioners

Commissioner Harwell asked if there is anything that can be done to block the spam to her email since she is listed as treasurer. Administrator Jester will look into the possibility of using BCWMC-specific email addresses on the website.

Commissioner Carlson noted that the staff gage at the Medicine Lake dam is missing and asked about the survey of the dam performed by the city last year. Ben Scharenbroich with city of Plymouth said he would investigate the staff gage and noted there wasn’t a formal survey report developed but the results were filed.

D. TAC Members

Nothing to report

E. Committees

Nothing to report

F. Education Consultant

i. Latest Education Video raingardens. The videos are doing well on Facebook and the AIS video will be coming out soon.

G. Legal Counsel

Nothing to report

H. Engineer

i. Sweeney Lake Water Quality Improvement Project
The first round of carp removal was completed from Sweeney Lake and Schaper Pond. 334 carp were removed from Sweeney Lake and 82 from Schaper Pond. The nets might be left in Schaper pond for the season. There will be a fall alum treatment.

7. INFORMATION ONLY (Information online only)

- A. CIP Project Updates <http://www.bassettcreekwmo.org/projects>
- B. Grant Tracking Summary and Spreadsheet
- C. 2020 BCWMC Administrative Calendar
- D. Letter of Support for USACE Mississippi River Drawdown
- E. 2020 Salt Symposium (online; registration reimbursement available)
- F. Lakeshore Restoration Animated Video by Anoka SWCD (<https://www.youtube.com/watch?v=dwjAoRwLrmM>)
- G. Lawns to Legumes Progress Report to BWSR
- H. WCA Notice of Decision, Plymouth
- I. WCA Notice of Application, Plymouth

8. ADJOURNMENT

Upcoming Meetings & Events

- Metro MAWD – Tuesday July 21st – Online through Go To Meeting
- 2020 Salt Symposium – August 4 – 5; online and live streamed; register at <https://fortinconsulting.com/saltsymposium/>
- Bassett Creek Watershed Mgmt Commission Meeting: Thursday August 20th, 8:30 a.m., via web conference
- Minnesota Water Resources Conference – October 20 – 21; St. Paul River Centre; <https://ccaps.umn.edu/minnesota-water-resources-conference>

Chair Prom adjourned the meeting at 10:58 a.m.

Signature/Title Date

Signature/Title Date



EXECUTIVE SUMMARY

Fire

763-593-8079 / 763-593-8098 (fax)

**Golden Valley City Council Meeting
September 1, 2020**

Agenda Item

3. D. 1. Approve Paid on Call Firefighter Testing Agreement

Prepared By

Ted Massicotte, Deputy Fire Chief

Summary

As part of our annual hiring process for paid-on-call firefighters, the Golden Valley Fire Department conducts a written test for the potential candidates. This test is rented and scored from a third party vendor and administered by our staff.

This is a two year agreement with CPS HR Consulting for the rental and use of their tests. The City Attorney has reviewed this agreement, including an indemnification clause, and negotiated terms that are acceptable to the city.

Financial or Budget Considerations

None, costs listed in the agreement are accounted for and approved as part of the Fire Department's annual budget.

Recommended Action

Motion to authorize the signing of the 2 year Test Rental and Use Agreement with CHS HR Consulting.

Supporting Documents

- Test Rental and Use Agreement (8 pages)

TEST RENTAL AND USE AGREEMENT

This Test Rental and Use Agreement (“Agreement”) is by and between Cooperative Personnel Services, dba CPS HR Consulting, a California Joint Powers Authority (“CPS HR”) and the Agency or Organization named in the signature block at the end of the Agreement (“Client”).

- A. Purpose.** This Agreement defines CPS HR test rental, use and security policies and procedures.
CPS HR develops and rents tests for a number of purposes and in a number of formats (including but not limited to print and electronic media). For that reason, some of the below paragraphs apply under certain circumstances. But, unless specifically limited, each paragraph applies to all testing purposes and formats.
- B. Ownership of CPS HR Tests.**
1. CPS HR owns all rights, title and interest, including copyrights, in all tests provided under this Agreement. They are the property of CPS HR and shall remain the property of CPS HR, even while in the custody of Client.
 2. Additionally, tests that have been constructed or modified based on information provided by the client shall not be considered works made for hire, as that term is defined under U.S. Copyright Law. CPS HR shall own all rights, title and interest, including the copyright, in any test it creates for the Client.
 3. Ownership of tests specifically developed for a client and of individual test questions supplied by Client, if any, shall be governed by a separate Agreement between CPS HR and Client.
- C. Test Materials.** Test Materials consist of all used and unused test booklets, proctors instructions, proctors manuals, scoring instructions, key sheets, key overlays, keyed booklets, scoring keys, instructions, CDs (for oral tests), and any other materials generated at the test administration, such as completed answer sheets (if applicable), scratch paper, note paper and the like.
- D. Test Security.** CPS HR security standards are designed to protect the mutual interests of all Clients that use Test Materials as well as the interests of applicants who take CPS HR tests. In order that no person may gain special advantage by having improper access to the material, all users must sign this Agreement and agree to fulfill its terms, before the Agreement is effective.
1. Except as otherwise provided in paragraph K.3, Client agrees to take all reasonable and diligent steps to keep CPS HR tests, sample tests, and testing processes confidential and free from unauthorized access and use. This includes, but is not limited to, client agreeing not to divulge, convey, copy in whole or part, duplicate, convert to another format or medium, or otherwise disseminate tests, portions of tests, or test materials.
 2. For on-line tests, client further agrees to take all reasonable and diligent steps to prevent any modification to or reverse engineering of the testing software, and any transfer, storage or dissemination of tests or testing software and data on any storage medium or computer server other than those specifically authorized by CPS HR.
 3. Should Client suspect any breach of test security, Client agrees to immediately notify CPS HR and immediately take all steps necessary to preserve evidence of or related to the breach, whether physical or electronic.
- E. Test Review, Ordering and Administration.**
1. **Review Copies.** Review of CPS HR tests, regardless of format, is subject to the test security standards.
 - (a) **Test Rental Division:** To help in deciding whether to rent exams, Client may review CPS HR stock tests and other stock test materials free of charge (e.g., stock supplements, structured interview packages, and specialized item sets).
 - (b) **SLPP:** CPS HR does not offer review copies of the Spanish Language Proficiency Program (SLPP) tests. However, for new clients, CPS HR can provide a sample written test booklet showing the different components of the test.
 - (c) **On-line Testing:** To help in deciding whether to utilize on-line testing, Client may review sample on-line tests free of charge.
 2. **Ordering Testing Materials and Scheduling of Examinations.**
 - (a) **Test Rental Division:**
 - (i) To ensure materials are received in time, Client must notify CPS HR at least 10 business days prior to the test date of the total number of candidates in each job classification to be tested. If orders are placed less than 10-business-days prior to the test date, rush shipment charges may apply and timely delivery cannot be guaranteed.
 - (ii) Client shall rent one test booklet per candidate to be tested. CPS HR shall provide Client with Test Materials including instructions for administering the test, sufficient test booklets and any other material CPS HR deems necessary.
 - (b) **On-line Testing:**
 - (i) To ensure Client equipment is functioning and capable of administering on-line testing, Client must request testing from CPS HR at least 10 business days prior to the test date on the first time Client utilizes on-line testing. After Client has successfully used on-line testing, 5 working days notice is normally sufficient for subsequent testing.
 - (ii) Client recognizes that CPS HR has no control over the functioning of the internet, and any problems with on-line testing due to the failure thereof are not attributable to CPS HR.

3. After the test date.

(a) Test Rental Division:

- (i) Within 10 business days of the test date, Client shall return to CPS HR all Test Materials including all materials provided by CPS HR for the test administration.
- (ii) Client shall not reuse printed tests on the test date or on any other date but shall return Test Materials to CPS HR, whether or not the test was administered.

(b) On-line Testing:

- (i) After the scheduled test date(s), CPS HR will suspend access to the on-line test site.
- (ii) Within 10 business days of the test date, Client shall destroy all CPS HR Test Materials including scratch paper and note paper in a way that make the materials unrecoverable.

F. Billing, Pricing, and Payment.

- 1. CPS HR shall bill Client at the billing address provided in Exhibit A, unless notified in writing of a new billing address.
- 2. The bill shall be derived from the most current applicable Rate Sheet (s): Exhibit B for Test Rental, Exhibit C for Special Services, Exhibit D for Online Skills, and Exhibit E for Personality. Client acknowledges and understands that the Test Price List(s) are only effective as of the date shown each of them and are subject to change.
- 3. Client shall be billed for any work done on a canceled or postponed test up to the time CPS HR is notified of such cancellation or postponement. Under certain circumstances, and in CPS HR's sole discretion, credit may be given for work already performed if the test is rescheduled.
- 4. CPS HR may charge Client for lost or compromised tests if Test Materials are not returned according to 3(a) above. Client shall be liable for the actual cost associated with the creation of a substantially similar replacement test up to a maximum of \$15,000.
- 5. Client agrees to and shall pay all invoices within thirty (30) days of receipt of invoice.
- 6. Credits. For each unopened package of stock exams that is returned, a \$35.00 credit will be generated that can be applied towards the current or future test order. Credit has no cash value and will expire 12 months after the issue date.

G. Candidate Inspections

1. Test Materials.

CANDIDATE INSPECTION OF TEST MATERIALS SHALL **NOT** BE ALLOWED EXCEPT IN CASE OF ANSWER SHEETS AS DESCRIBED BELOW

2. Answer Sheets.

- (a) If a candidate files a protest regarding the scoring of his or her test, inspection of a candidate's own answer sheet(s) for the purpose of detecting whether any clerical or other error has been made in the scoring of the answer sheets shall be allowed, upon request by the Client, for a 10-business-day period immediately following the notification to the candidate of test results.
- (b) Candidates are not allowed to review the question booklet during this inspection period.

- (c) Not more than one hour will normally be allowed for answer sheet(s) review. A representative of Client's Personnel or Administrative office shall be present to assure that no changes or marks of any kind are made by the candidate on the answer sheet(s) or keyed answer sheet.

H. Client Responsibilities.

- 1. Client shall perform all parts of the testing process which are not performed by CPS HR. Client has the responsibility for assuring that the testing process performed by Client conforms to any applicable laws, rules or ordinances, and for the test as a whole. Under the federal Uniform Guidelines on Employee Selection Procedures, the Client as test user is responsible for local validation efforts (e.g., SME review, job analysis studies) and the results of the selection process, and Client understands and acknowledges that it must be prepared to demonstrate that the process is valid and meets other testing standards if it adversely affects groups protected by fair employment laws.
- 2. Client is responsible for insuring that all persons who handle or have access to Test Materials in any capacity for Client shall do so in compliance with this Agreement, and are trained to handle Test Materials and administer tests before they do so.
- 3. CPS HR retains score reports for 60 days after each test administration date. Test users must maintain the appropriate documentation of score report information for agency record purposes.

I. Legal Proceedings Involving Test Materials.

- 1. If Client receives notice of any administrative or court proceeding involving a CPS HR test, or a request for disclosure of Test Materials, such as a subpoena, or a public records or freedom of information request, Client shall notify CPS HR of such request immediately and well before a response is due.
- 2. Upon CPS HR request and to the extent permitted by law, Client shall maintain the confidentiality of the Test Materials pending the grant or denial of a protective order or the decision of a court or administrative body as to whether the requested Test Materials must be disclosed under the applicable public records statute.
- 3. Client shall cooperate with CPS HR in seeking any relief necessary to maintain the confidentiality of the Test Materials.
- 4. Each party shall indemnify, defend and hold the other harmless from all claims, suits or actions resulting from their respective acts, fault or negligence associated with the providing of Test Materials or administration of the test.

J. Term and Termination of Agreement.

- 1. Term. This Agreement is effective beginning the date it is signed by both parties and continuing for two years thereafter unless earlier terminated by either party as stated below.
- 2. Immediate Termination upon Material Breach. Either party may terminate this Agreement immediately upon any material breach by the other party. For purposes of this Agreement, but without limiting the meaning of material breach, any breach of the test security provisions, however minor, shall be

Exhibit A

Authorized Representative(s) *(use an additional page if needed)* By signing as an Authorized Representative, I affirm that I will handle all CPS HR Test Materials in accordance with the terms of the CPS HR Test Rental Agreement then in effect.

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

II. Billing Contact

Contact Name and Title		
Agency		
Street Address, City, State, Zip		
E-Mail	Phone Number	Fax Number

III. Physical Address

Agency / Department Name
Street Address, City, State, Zip

Exhibit B
CPS HR Test Rental Division Rates
Effective January 2020 - Subject to Change

	STOCK TESTS*	SEMI-STOCK TESTS	CUSTOM TESTS	AGENCY TESTS
Base Fee (per order) ‡	\$295.00	\$595.00	\$995.00	\$350.00
1-100 Candidates (per candidate)	\$9.00	\$14.00	\$15.00	\$10.00
101-500 Candidates (per candidate)	\$8.50	\$13.00	\$14.00	\$9.50
501+ Candidates (per candidate)	\$8.00	\$12.00	\$13.00	\$9.00
New Item Writing/Entry	N/A	N/A	\$35 per item	N/A
Pick Up/Handling	5%	5%	5%	5%
Standard Shipping/Handling **	10%	10%	10%	10%
Expedited Shipping/Handling **	15%	15%	15%	15%
Shipping outside contiguous U.S.	20%	20%	20%	20%

Entry-Level Law, Entry-Level Fire and Entry-Level Clerical	
Candidate Materials (available online through Candidate Resource Center)	
<i>Online Preparation Manuals</i>	<i>Online Practice Test</i>
\$3.00 if purchased by client \$5.00 if purchased by candidate	\$10.00 if purchased by client \$15.00 if purchased by candidate

*CPS HR will apply a credit of \$35.00 for each **UNOPENED package of Stock Exams** of test booklets on the current or future **STOCK test order** (see additional terms listed on F.6.).

**Standard shipping applies to orders placed at least 10 business days prior to test date. Expedited shipping applies to orders placed less than 10 business days prior to test date.

‡ Base fee includes the following at no additional charge: Proctor's Manual, Scoring Manual, CPS HR Scoring, CPS HR answer sheets and a scoring report.

Online Testing Option for Written Exams*				
	Stock Tests	Semi-Stock Tests	Agency Tests	Custom Tests
Administrative Set Up Fee (per order)	\$95.00	\$95.00	\$95.00	\$95.00
One Time Exam Set Up Fee	N/A	\$595.00	\$350.00	\$995.00
Per Candidate Fee	\$15.00	\$15.00	\$15.00	\$15.00
Title Change (optional)	\$25.00	N/A	N/A	N/A
Additional Supplement (optional)	\$50.00	N/A	N/A	N/A

* The one time set-up fee will be applied for the first online administration of a semi-stock, agency or custom test.

* All exams must be administered in a proctored environment

Exhibit C
CPS HR Special Services
Effective January 2020 - Subject to Change

REMOTE PROCTOR SERVICES		
	Agency Price	Candidate Price
Administrative Set Up Fee (per order)		\$75.00
1 hour test (per candidate)	\$22.50	\$25.50
1 – 2 hour test (per candidate)	\$30.00	\$33.00
2 – 3 hour test (per candidate)	\$38.75	\$41.75
Over 3 hour test (per candidate)	\$47.50	\$50.50
Take it Now Premium Scheduling (Additional Fee as applicable per candidate)	\$12.00	\$12.00
Take It Soon Premium Scheduling (Additional Fee as applicable per candidate)	\$8.00	\$8.00

SPECIAL SERVICES	
Re-Scoring/Hand-Scoring of Answer Sheet	\$ 30.00 (Requested directly by Agency)
Review Copies (Hardcopies sent via FedEx)	\$25.00 per order (online review copies are provided at no charge)
Scoring Keys	\$10.00 per Overlay, Key Sheet provided at no additional cost
Spanish Language Proficiency Oral Exam	\$295.00 Base Fee + \$120 per candidate (Professional Scoring Included)
Stock Supplements	\$ 2.00 per book when ordered with a Stock test
Structured Interview Packages	\$595.00 Base Fee + \$15.00 per candidate
Supplemental Orders	\$25 base fee, candidate count fee, and shipping/handling
Writing Proficiency Exam	\$ 350.00 Base Fee + \$ 15.00 per candidate (Professional Scoring included)
Non-specified special Services	CALL FOR DETAILS - Billed at the following rates Consultant Time \$130 an hour Technician Time \$ 75 an hour

Exhibit D

CPS HR On-line Skills Test Pricing Schedule Effective January 2020 - Subject to Change

ONLINE SKILLS TEST			
	Single-Subject Test	Two-Subject Test	Each Additional Subject
1 - 25 Candidates (per candidate)	\$20.00	\$30.00	\$6.00
26 - 100 Candidates (per candidate)	\$18.00	\$27.00	\$6.00
101 - 250 Candidates (per candidate)	\$17.00	\$25.50	\$6.00
251 - 1,000 Candidates (per candidate)	\$15.00	\$22.50	\$6.00
1,001+ Candidates (per candidate)	\$12.00	\$18.00	\$6.00

SOFTWARE SKILLS		
Access	Excel	Word
Expert	Expert	Expert
Advanced	Advanced	Advanced
Intermediate	Intermediate	Intermediate
Beginner	Beginner	Beginner
Standard*	Standard*	Standard*
	Excel Simulation**	Word Simulation**
PowerPoint	Outlook	Windows
Expert	Expert	Windows 8
Advanced	Advanced	Windows 7
Intermediate	Intermediate	Windows Vista
Beginner	Beginner	
Standard*	Standard*	
PowerPoint Simulation**	Outlook Simulation**	

**Standard exam contains items from Advanced, Intermediate and Beginner*

*** Simulation exam contains items from Expert, Advanced, Intermediate and Beginner*

Other Exams		
Basic Computer Knowledge for Windows	SharePoint	Regular Typing Skills
Excel Functions	Email Etiquette	Internet Explorer 8 or 10
Publisher	Web Search Skills	

Contact us for a full list of available exams

Exhibit E

CPS HR On-line Personality Test Pricing Schedule Effective January 2020 - Subject to Change

PERSONALITY TEST	
Report Option	Price Per Candidate
General Employability Report (if used with stock exam)	\$7.50
General Employability Report (if used without a stock exam)	\$10
Advantage Report	\$15
Express Report	\$50
Potential Report	\$150
Challenge Report	\$150
Values Report	\$150
Leader Basis	\$200
Leadership Forecast (includes Potential, Challenge and Values reports)	\$400
Coaching Report	<i>Free with order of Leadership Forecast Report</i>

Test Rental Contact Information:

CPS HR Consulting
Attn: Test Rental Division
2450 Del Paso Rd., Ste. 160, Sacramento CA 95834

Telephone: 916.263.1800 / Toll Free 866.867.5272
Fax: 916.921.6240 / E-mail: testrental@cpshr.us



EXECUTIVE SUMMARY

City Administration

763-593-8006 / 763-593-8109 (fax)

Golden Valley City Council Meeting September 1, 2020

Agenda Item

3. E. Approve Appointment to the Human Rights Commission

Prepared By

Tomás Romano, Assistant to the City Manager's Office

Summary

Thomas Huling will be appointed to the Human Rights Commission. Term expires May, 2022.

Financial Or Budget Considerations

Not applicable

Recommended Action

Motion to appoint Thomas Huling to the Human Rights Commission with a term to expire May, 2022.



EXECUTIVE SUMMARY

City Administration

763-593-8006 / 763-593-8109 (fax)

Golden Valley City Council Meeting September 1, 2020

Agenda Item

3. F. Approve Board/Commission Appointments

Prepared By

Tomás Romano, Assistant to the City Manager's Office

Summary

As Board and Commissions have vacancies, the City Council conducts interviews with individuals who have applied to serve on them. After interviews are conducted, the Council may decide to make appointments.

Financial Or Budget Considerations

Not applicable

Recommended Action

Motion to appoint the following Boards/Commissions candidates:

_____ | Human Services Commission | Term expires May, 2021

_____ | Human Services Commission | Term expires May, 2023



EXECUTIVE SUMMARY

Physical Development

763-593-8030 / 763-593-8109 (fax)

Golden Valley City Council Meeting September 1, 2020

Agenda Item

4. A. Public Hearing – Amendments to the Zoning Code – Amending Sections 113-1: Definitions, 113-152: Screening and Outdoor Storage

Prepared By

Myles Campbell, Planner

Summary

In the previous year, staff identified a number of areas in which the existing code language regarding screening and garden structures could be improved upon. These amendments would provide greater clarity to residents on the code's intent, while also affording some additional exceptions to the code requirements in unique cases.

Staff brought the discussion topic in front of the Planning Commission first on July 13th, with two subsequent meetings on July 27th and August 10th to solidify the code language. At its August 10th meeting, an informal public hearing was held on the topic, and the Planning Commission voted unanimously to recommend approval of these amendments.

Background

The zoning text amendments suggested by staff largely were intended to solve three issues with the existing code.

Front Yard Fence Height Exception

Staff sought to expand an existing exception in the code, § 113-152, Subd. (d)(2). This exception allows 6 ft. fences in the front yards of homes adjoining a minor arterial roadway. Staff wanted to also include properties that adjoined frontage roads of larger arterial roadways. In the previous year, the Board of Zoning Appeals had heard a number of requests from properties that abut a frontage road for a Principal Arterial. These requests were often granted due to the properties facing similar if not greater nuisance than properties that might directly adjoin a less active road. Given the rate of variance approval, staff felt it would be more sensible to include these properties under the exception.

Public Safety Screening Exception

Last year, staff received a request from the GVPD to waive a portion of required screening for an outdoor storage facility to allow for greater visibility into the site. At the time, staff did not feel the code as written allowed for such an action. While an uncommon request, staff would like to add a new exception to § 113-152, Subd. (d) of the Screening and Outdoor Storage chapter to allow for this type of request in the future.

Garden Structures as Screening

Golden Valley is somewhat unique among its neighbors in that it sets a different standard for decorative garden structures than other accessory structures. The less stringent requirements were intended to allow for greater flexibility in the location and design of these garden structures, to enhance the aesthetic nature of residential properties. However, in a handful of isolated cases, planning and building inspections staff have identified structures that are being utilized to provide screening above and beyond what is normally allowed, due to higher height allowances for garden structures.

Staff reviewed both the minutes from the initial adoption of the Garden Structure Code Language as well as a review of surrounding communities' code for similar language. Staff is suggesting that the definition for garden structures provided in § 113-1. – *Definitions* be more explicitly defined to not include fences or structures such as greenhouses.

Financial Or Budget Considerations

None

Recommended Action

Motion to adopt Ordinance #688 – Amending Sections 113-1: Definitions, 113-92: Commercial Zoning District of the City Code

Supporting Documents

- Memo to Planning Commission dated July 27, 2020 (4 pages)
- Planning Commission minutes of July 27, 2020 (3 pages)
- Ordinance #688, Amending Sections 113-1: Definitions, 113-152: Screening and Outdoor Storage (1 page)



MEMORANDUM
Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: July 27, 2020
To: Golden Valley Planning Commission
From: Myles Campbell, Planner
Subject: Discussion – Fences, Screening, and Garden Structures

Summary

In the previous year, staff identified a number of areas in which the existing code language regarding screening, and specifically fencing, could be improved upon. Additionally, staff would like to reinforce and clarify some aspects of the zoning language around garden structures.

The purpose for this discussion will be to introduce the proposed revisions as well as the initial draft language for each.

Arterial Road Fence Height Exception

The current zoning code language for residential properties limit the height of fences to 4 ft. in the front yard of homes. Homes abutting a minor arterial are allowed to go up to 6 ft. in height as part of an exception in § 113-152, Subd. (d)(2).

Recently, a number of properties that abut a frontage road for Principal Arterials have applied for variances for 6 ft. fences. Because these properties do not directly abut the arterial (separated by a frontage road) These properties do not qualify for the exception. These properties still see similar if not greater noise and nuisance impacts than those that abut a minor arterial street, and so staff suggests the following amendment to § 113-152, Subd. (d)(2)

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway or expressway; as designated by the City.

Staff kept the verbiage the same, using *adjoin*, as the word here seem deliberate to show that the height exception applies only to those front yards that connect to the arterial or frontage road. This exception would not apply on the side of a corner lot not facing the arterial. The term “frontage road” has also already been defined in another section of City Code, § 109-1. – Definitions, regarding the definitions related to subdivisions. Frontage road is defined there as:

A street which is parallel to and close to arterial streets and highways and which provides access to abutting properties and protection from through traffic.

Given this definition and the phrasing of “adjoining the frontage road of a principal arterial, freeway, or expressway” staff feels this language is clear and would apply only to cases of those frontage roads parallel to Interstate 394, US Highway 169, Highway 100, and Highway 55.

Public Safety Screening Exception

Recently, an outdoor storage facility opening in the City applied for a fence permit, and presented a plan that would meet the City’s requirements for the screening of such a facility. However, Police requested a portion of the screening requirement be waived or reduced along the main street-side of the property. This was requested so that police could still monitor the internal site for any criminal activity.

In order to allow for this type of exception in the future, staff is suggesting the addition of a new exception to § 113-152, Subd. (d) of the Screening and Outdoor Storage chapter.

A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or his/her designee, and only upon request by the Golden Valley Police Department

Garden Structures

In 2010, the zoning code was modified to define “garden structures” and establish a new set of restrictions to their location and design, separate from other types of accessory structures. These structures were considered primarily decorative in nature and were allowed to be in front yards with reduced setbacks, to allow for their potential use as landscaping elements. However, there have been a handful of recent cases in which the more lenient restrictions have been utilized to create additional screening and obstruction between properties.

Staff would like to find a balance between still allowing for these structures to be freely utilized as decorative elements, but also ensuring their use is not detrimental to neighboring properties and the character of the City’s residential districts.

Staff reviewed the zoning code language of neighboring communities and found that Garden Structures are not commonly defined or highlighted in code. Most communities appear to treat these structures as similar to other detached accessory structures such as garages or sheds. Where garden structures were mentioned, more often it referred to greenhouses and gazebos, which were not considered to be “garden structures” in our own code when it was drafted in 2010.

City	Garden Structure Defined?	Zoning Requirements
Edina	No. Gazebos, greenhouses, and garden houses defined under accessory structures.	Similar to detached garages for lot cover, height and setbacks.
St. Louis Park	<i>Gardening and other horticultural uses and Decorative landscape features including but not limited to pools, arbors and terraces.</i> Are both listed as permitted Accessory Uses	Structures are subject to the same requirements of other accessory structures/buildings.
Robbinsdale	No. Greenhouses are listed under permitted accessory uses in R districts, Non-Commercial Agriculture is a conditional use in R districts. Trellises are only mentioned as allowed encroachments into rear yard setbacks.	Greenhouses subject to the same restrictions as other accessory structures. No other language regarding Trellis/Arbors
Crystal	No. Arbors, garden decorations and Pergolas are listed under “small accessory uses”	<i>“Small accessory uses such as arbors, benches, doghouses, play sets, garden decorations, pergolas, and firewood cribs are exempt from the provisions of this subsection, but cannot be located in public rights-of-way.”</i>

The closest approximation to the initial intent of the 2010 amendment comes from the City of Crystal’s code for accessory uses and structures. In this section, they exempt a number of “small accessory uses” including arbors, benches, pergolas, firewood cribs, and garden decorations. The only rule for these small accessory uses is that they cannot be placed in the public right-of-way. There is no defined height or scale for what constitutes a small accessory use. The intent is to allow greater flexibility for structures that are incidental, decorative, or unobtrusive.

In looking to amend our own the code, staff sees two potential avenues to address the issue of structures as screening.

- Amend the definition to more clearly indicate it refers to open and unroofed structures to avoid confusion as to whether it includes fencing or greenhouses
- In the R-1 and R-2 sections covering garden structures, create a set of lower standards for garden structures under 4 or 5 ft. in height, and potentially set a length or opacity limit for taller structures to prevent their use dominating a landscape.

Potentially amending just the definition to be more clear about these being open structures could solve the issue of these being used to provide screening between properties.

From § 113-1. – *Definitions*:

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure. Garden structures do not include greenhouses, gazebos or fencing.

If Planning Commission did wish to also set stricter standards for the regulation of taller structures, a maximum length is probably the most universally applicable requirement to set. Typically screening is controlled by its overall opacity, but this could be difficult to determine for some types of structures (how do you, or do you even, calculate opacity for an arbor?) and might just create unnecessary confusion for residents. Staff would suggest language along the lines of “No side of the garden structure shall exceed 15 ft. in length” be added to the relevant sections of the R-1 and R-2 zoning districts.

Recommendation

This is a discussion item and as such, no vote or recommendation is required. Staff is only looking for feedback and direction from Commissioners at this time.

applicable so finding new ones may help improve developments in Golden Valley. **Baker** echoed this statement. **Johnson** added that a CUP is pretty straightforward and he doesn't support that. The city has a good level of growth and there seems to be a challenge with this central plan. Adding that if the density increased to 15 units per acre that it seems to be in a landlord's best interest to sell a property and potential displace those living in the complex. **Johnson** reiterated that he struggles to understand why the City needs to rezone to meet Met Council's expectations when it appears the City does a good job managing density already. **Commissioner Sadeghi** asked how the by-right number was raised to 15 and **Zimmerman** responded that it's higher than the current number with room to increase more with a CUP or PUD and then requires an extra city review. **Sadeghi** stated his support for 15 units and 20 for senior housing. The conversation continued on whether or not to keep the proposed number of units per acre or to drop it down and come back to discuss incentives. The conversation then moved on to Met Council's expectations and the growth projections for Golden Valley.

Vice-Chair Pockl closed the public hearing at 8:25 pm.

Brookins stated he's not in favor of density bonuses. Adding that trying to predict what the community needs is difficult and while may provide comfort isn't generally successful. **Pockl** asked staff how they determine what the community needs, in order to create incentives. **Zimmerman** said he would go back to the Comp Plan and review goals in the plan. **Baker** added that the City has a responsibility to incent the things they want to see happen, and would strengthen the incentives.

MOTION made by **Commissioner Baker** and seconded by **Commissioner Brookins** to table this item so staff may prepare suggestions on incentives. Staff took a roll call vote and it passed unanimously.

6. Discussion – Fences, Screening, and Garden Structures

Myles Campbell, Planner, stated that this was a continued conversation from last meeting and reminded Commissioners this discussion will be to introduce the proposed revisions as well as the initial draft language for each.

There are three items for discussion and the first two were discussed at length at the previous meeting:

- Should lots indirectly adjacent to principal arterials have a front yard fence height exception?
- What is the best method to administer an exception to commercial/industrial screening requirements as requested by GV Police?
- Do the rules and definition of garden structures need to be refined to prevent their use as screening extensions?

Arterial Road Fence Height Exception

Under the existing code, residential properties can have a fence up to a maximum of 4 feet in their front yard.

There is one exception to the 4 ft. height limitation, from **§ 113-152, Subd. (d)(2)**

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street, as designated by the City.

The exception refers only to *minor arterials*, staff has recently seen an influx of variance requests for lots that indirectly abut *principal arterials*. Principal Arterials are larger and have a greater impact on properties from their heightened activity. Generally, staff and the BZA have found these requests reasonable given the exception from § 113-152, Subd. (d)(2) making 6 feet in height allowed for lower impact roads. The number of variances, lead staff to believe this should be a code change.

Suggested Revision: Add the following underlined language to **§ 113-152, Subd. (d)(2)**

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway or expressway; as designated by the City.

Public Safety Screening Exception

During review of a recent fence permit application by a self-storage facility, Golden Valley Police requested a section of screening be waived or built at a lower opacity to allow visibility into the site. This is a fairly unique request, but staff would like to modify the existing code for screening exceptions to allow for similar requests in the future.

Suggested Revision: Add the following exception to **§ 113-152, Subd. (d)**

A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or his/her designee, and only upon request by the Golden Valley Police Department

Garden Structures

In 2010, Planning Commission modified the zoning code to allow for expanded use of garden structures on residential lots.

- Included a new definition, and a separate set of standards from other accessory structures.
- The modifications were intended to allow for the use of garden structures to enhance the aesthetic appeal of a garden or landscaped area.

§ 113-1. – Definitions

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure.

§ 113-88 R-1 Zoning District, Subd. (g)(8)

Garden Structures. Garden structures shall be located no closer than five feet to any lot line. Garden structures shall not exceed 10 feet in height.

Identical Restriction in § 113-89 R-2 Zoning District, Subd. (g)(8)

Staff has encountered cases where garden structures are being used to achieve taller screening structures than normally allowed.

Staff reviewed the zoning code language of neighboring communities to see how pergolas and trellises were handled in other cities:

- Garden Structures were not commonly highlighted in code.
 - They were considered accessory uses in St. Louis Park, but no regulation other than the restrictions for all accessory structures were given.
 - Trellises were an allowed setback encroachment in Robbinsdale.
- Greenhouses were listed as accessory structures in Edina and Robbinsdale, but these were not considered part of the Golden Valley definition of Garden Structures.

After review, staff thinks modifying the definition of garden structures makes the most sense for addressing the issue:

- Maintains the existing flexibility in locating garden structures.
- Clarifies that that the definition does not include greenhouses, gazebos, and more significant roofed accessory structures.
 - Would raised beds and smaller food production uses be considered garden structures?
- Explicitly removes fencing from the definition of garden structures.

Suggested Revision: Add the following underlined language to **§ 113-1. – Definitions:**

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure. Garden structures do not include greenhouses, gazebos or fencing.

Pockl, Sadeghi, and Segelbaum voiced support of the amendments and **Pockl** added that a motion and a vote will be made at the next meeting.

Televised portion of the meeting concluded at 8:46 pm

7. Council Liaison Report

Council Member Rosenquist reported on a Virtual Town Hall meeting that was scheduled for July 28 around Building and Equitable Golden Valley. She also encouraged Commissioners to view a CCX story on removing racially restrictive covenants. **Rosenquist** commented on a letter that had gone out urging the Governor to take action on the Blue Line Extension project. She noted that the Narrow Lot regulations had been approved at the City Council and that the Council also approved directing \$100,000 in grant money to PRISM to assist with rent and food support. Finally, she stated that the City Council had approved a city-wide mask ordinance only to have it superseded by the Governor's announcement the next day.

ORDINANCE NO. 688
AN ORDINANCE AMENDING THE CITY CODE
Amending Sections 113-1: Definitions, 113-152: Screening and Outdoor Storage

The City Council for the City of Golden Valley hereby ordains as follows:

Section 1. Section 113-1 of the City Code Chapter 113, Article I, entitled "Definitions" is amended by adding the underlined language to the following Subdivision:

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure. Garden structures do not include greenhouses, gazebos, or fencing.

Section 2. Section 113-152 of the City Code Chapter 113, Article IV, entitled "Screening and Outdoor Storage" is amended by adding the following underlined language to Subdivision (d) Exceptions:

(d) *Exceptions.* Any deviation from this section shall require a variance in accordance with this chapter except for the following:

- (1) Tennis and basketball courts in all zoning districts may have a single perimeter fence no higher than 10 feet. Such fences shall be located to the rear of the principal structure and shall require a minimum three-foot strip of landscaping around the entire perimeter.
- (2) A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway, or expressway; as designated by the City.
- (3) A wall or fence not exceeding 12 feet in height is permitted in Light Industrial and Industrial Zoning Districts solely for the purpose of screening outdoor storage areas.
- (4) The screening requirement for mechanical equipment located in the side yards of properties in Light Industrial and Industrial Zoning Districts may be waived by the City Manager or his/her designee.
- (5) A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or their designee, and only upon request by the Golden Valley Police Department

Section 4. This ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council this 1st day of September, 2020.

/s/Shepard M. Harris
Shepard M. Harris, Mayor

ATTEST:

/s/ Kristine A. Luedke
Kristine A. Luedke, City Clerk



EXECUTIVE SUMMARY

Physical Development

763-593-8030 / 763-593-8109 (fax)

Golden Valley City Council Meeting September 1, 2020

Agenda Item

4. B. Public Hearing – Amendments to the Zoning Map – Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan

Prepared By

Jason Zimmerman, Planning Manager

Summary

Staff is requesting that 29 properties north of Olson Memorial Highway and east of Douglas Drive be rezoned in order to come into conformance with the Future Land Use Map in the 2040 Comprehensive Plan.

The Planning Commission recommended approval of these map amendments (7-0) at its meeting on August 10. Consideration of rezoning 19 other properties in two locations was tabled for further discussion later in the year.

Background

State statute requires that all zoning designations be updated to be consistent with the land uses identified in the Comprehensive Plan within nine months of adoption. The I-394 Corridor mixed use properties were the first to be rezoned in February of 2020, followed by properties south of Olson Memorial Highway in July/August. The 29 properties now under consideration are the third group to be rezoned; one additional group of properties is scheduled for the September 15 Council meeting.

Below is a summary of the process that was followed to approve and adopt the 2040 Comprehensive Plan:

Meeting Date	Action
November 13, 2018	Planning Commission reviewed the final draft of the City's proposed 2040 Comprehensive Plan and unanimously recommended it be approved
December 4, 2018	City Council held a public hearing and voted to approve the plan
January 2, 2019	City Council directed staff to submit the plan to the Metropolitan Council for final review
January 22, 2020	Metropolitan Council approved Golden Valley's plan

February 4, 2020	City Council adopted the 2040 Comprehensive Plan and approved the rezoning of the I-394 Mixed Use properties
August 4, 2020	City Council approved the rezoning of properties south of Olson Memorial Highway

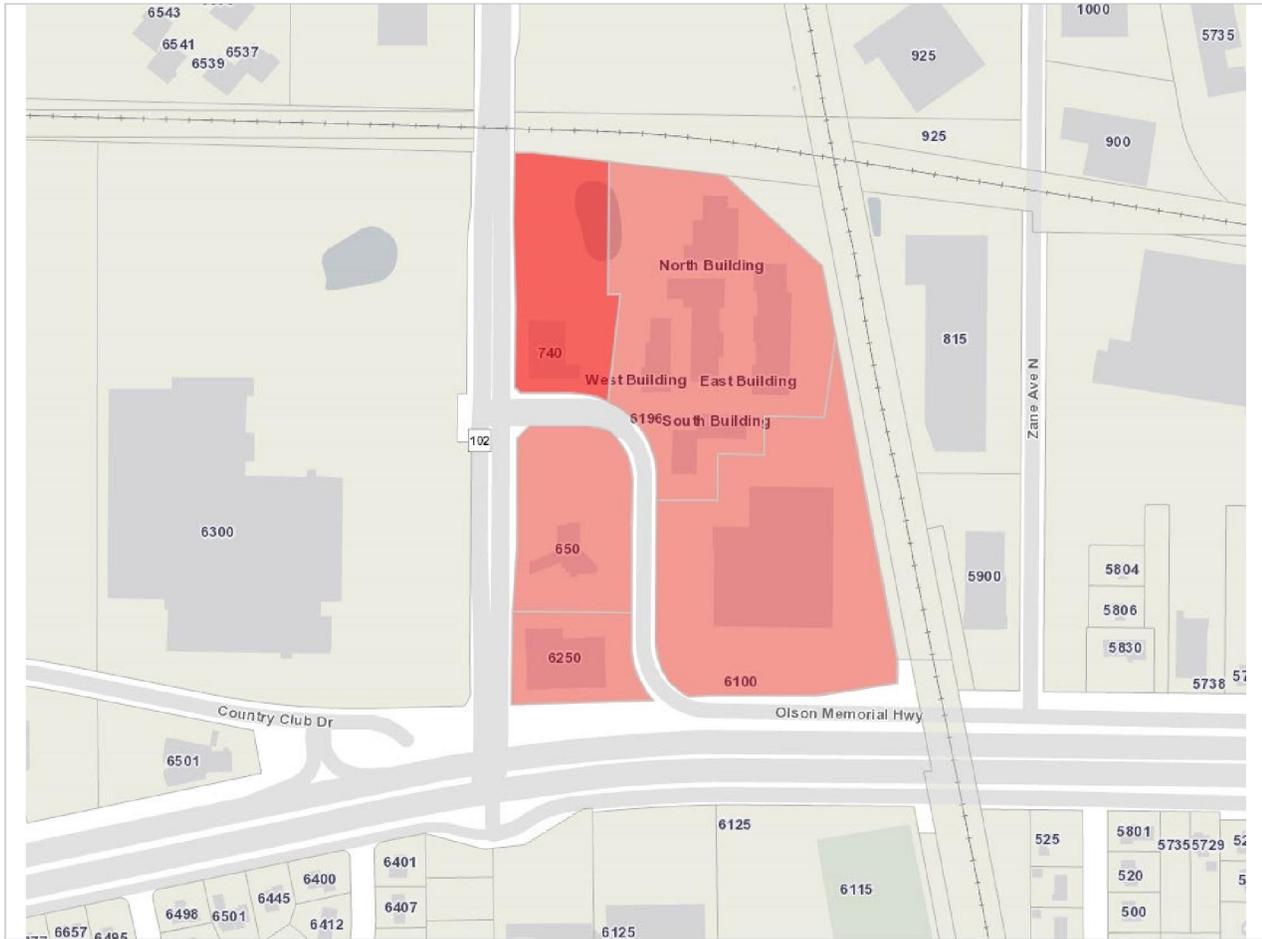
Analysis

The 29 properties north of Olson Memorial Highway and east of Douglas Drive that are under consideration for rezoning represent five different areas. Three of the areas to be rezoned are simply aligning the zoning designations with the uses that are already established. Two of the areas are actively directing future changes in use based on the vision of the Future Land Use Map in the 2040 Comprehensive Plan.

Three specific locations, containing eight parcels, are currently within a Planned Unit Development (PUD). In these locations, the requirements of the PUD trump those of the underlying zoning district so no impacts are anticipated even though the zoning designation will be modified.

One location is currently being considered for a new multifamily development and the project is dependent on the rezoning taking place in order to move forward. More detailed descriptions of these properties and their current uses are listed below:

Address	Current Zoning	Proposed Zoning
Group 1		
<i>The northeast quadrant of the Douglas Drive and Olson Memorial Highway intersection contains a mix of industrial uses as well as a bank and a self storage facility. The 2040 Comprehensive Plan envisions this area as one supportive of a mix of employment opportunities, consistent with the Douglas Drive Corridor Study adopted in 2010. The change in zoning would encourage change over time as properties redevelop.</i>		
6100 Olson Memorial Highway	Industrial	Mixed Use – Employment
6110 Olson Memorial Highway	Industrial	Mixed Use – Employment
6250 Olson Memorial Highway	Industrial	Mixed Use – Employment
650 Douglas Drive	Industrial	Mixed Use – Employment
740 Douglas Drive	Industrial	Mixed Use – Employment

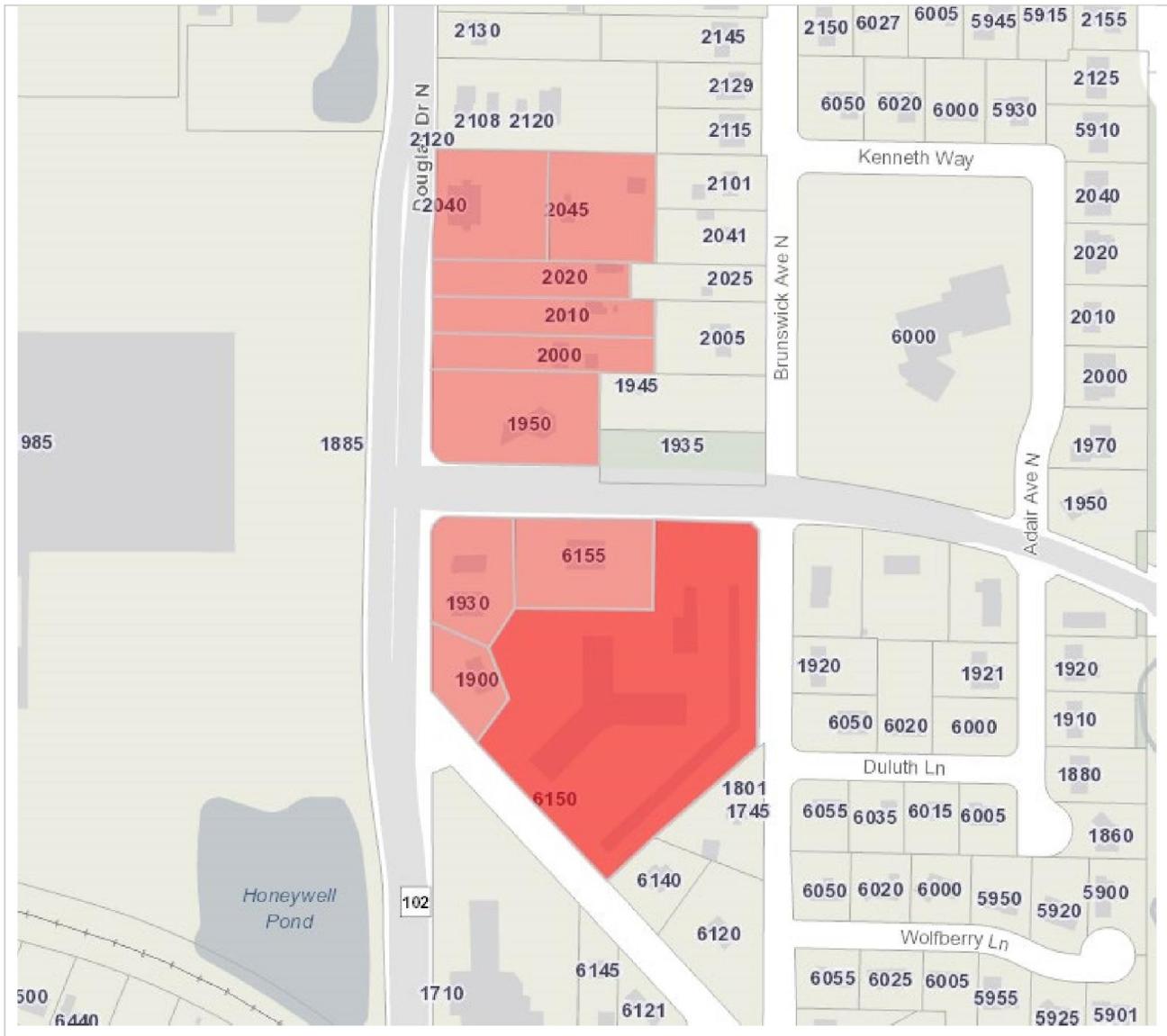


Address	Current Zoning	Proposed Zoning
Group 2		
<p><i>The four properties in this area are targeted for greater alignment with the uses that are there today, as well as creating coherent land use patterns along Olson Memorial Highway. A small medical clinic is currently zoned Commercial, but sits adjacent to other Office uses. A portion of a property owned jointly with a multifamily development contains both Schaper Pond and the Luce Line Regional Trail so is targeted for open space zoning. An office complex which used to house Edina Realty and now contains a dental clinic is guided for Office. And a parcel containing a veterinary clinic is guided to match the surrounding properties which are all Light Industrial.</i></p>		
604 Lilac Drive North	Commercial	Office
PID 1902924230023 (east half of 600 Lilac Drive North)	R-3	Institutional (I-4)
4800 Olson Memorial Highway	Commercial	Office
4708 Olson Memorial Highway	Commercial	Light industrial

Address	Current Zoning	Proposed Zoning
Group 4		
<i>Three nonconforming duplexes, currently zoned Single-Family Residential (R-1), would become conforming under this proposed rezoning to Moderate Density Residential (R-2).</i>		
1931/1933 Adair Avenue North	R-1	R-2
6033/6035 Duluth Street	R-1	R-2
1928/1930 Brunswick Avenue North	R-1	R-2



Address	Current Zoning	Proposed Zoning
Group 5		
<p><i>As part of the City’s efforts to introduce more mixed use nodes across the community, the intersection of Douglas Drive and Duluth Street was targeted for rezoning to a Mixed Use – Neighborhood designation. The change would allow a range of residential, commercial, office, and institutional uses to be developed over time. The current uses represent many of these categories – two gas stations, an apartment building, two office buildings, single-family homes, and a former place of worship. The two gas stations would become nonconforming uses under this proposal, but would be able to continue indefinitely under their current conditions.</i></p>		
6150 Saint Croix Avenue North	R-3	Mixed Use – Neighborhood
1900 Douglas Drive	Commercial	Mixed Use – Neighborhood
1930 Douglas Drive	Commercial	Mixed Use – Neighborhood
6155 Duluth Street	Office	Mixed Use – Neighborhood
1950 Douglas Drive	Institutional (I-1)	Mixed Use – Neighborhood
2000 Douglas Drive	R-1	Mixed Use – Neighborhood
2010 Douglas Drive	R-1	Mixed Use – Neighborhood
2020 Douglas Drive	R-1	Mixed Use – Neighborhood
2040 Douglas Drive	Office	Mixed Use – Neighborhood
2045 Douglas Drive	R-1	Mixed Use – Neighborhood



Should the City chose not to rezone any of these properties, an amendment to the Future Land Use Map would then be required with the Met Council – modifying the recently-adopted 2040 Comprehensive Plan – in order to maintain consistency between guided land use and zoning.

Financial Or Budget Considerations

None

Recommended Action

Motion to adopt Ordinance #689, Rezoning Certain Properties North of Olson Memorial Highway and East of Douglas Drive in Order to Achieve Alignment with the 2040 Comprehensive Plan.

Supporting Documents

- List of Affected Properties (2 pages)
- Maps of Future Land Use and Existing Zoning Designations (4 pages)

- Ordinance #689, Rezoning Certain Properties North of Olson Memorial Highway and East of Douglas Drive in Order to Achieve Alignment with the 2040 Comprehensive Plan (2 pages)

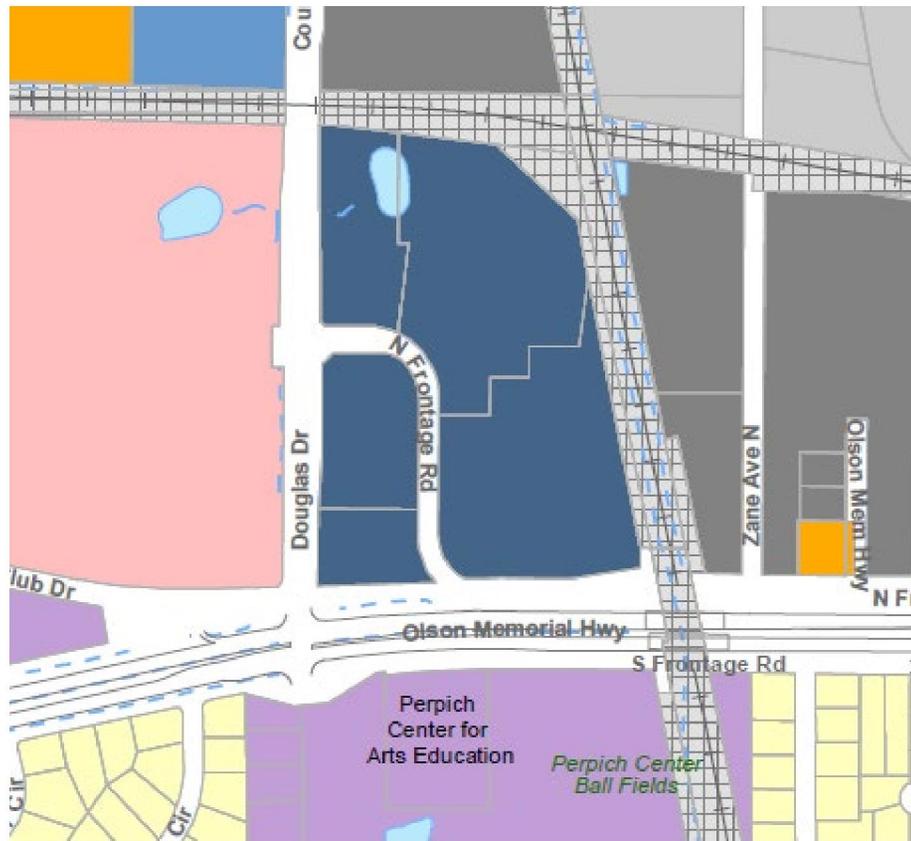
List of Affected Properties

Address	Current Zoning	Proposed Zoning
6100 Olson Memorial Highway	Industrial	Mixed Use – Employment
6110 Olson Memorial Highway	Industrial	Mixed Use – Employment
6250 Olson Memorial Highway	Industrial	Mixed Use – Employment
650 Douglas Drive	Industrial	Mixed Use – Employment
740 Douglas Drive	Industrial	Mixed Use – Employment
604 Lilac Drive North	Commercial	Office
PID 1902924230023 (east half of 600 Lilac Drive North)	R-3	Institutional (I-4)
4800 Olson Memorial Highway	Commercial	Office
4708 Olson Memorial Highway	Commercial	Light industrial
4310 Dahlberg Drive (includes 4232, 4248, 4280, and 4294 Dahlberg Drive)	Industrial	Office
4210 Olson Memorial Highway	Light Industrial	Institutional (I-1)
4150 Olson Memorial Highway	Light Industrial	Office
1931/1933 Adair Avenue North	R-1	R-2
6033/6035 Duluth Street	R-1	R-2
1928/1930 Brunswick Avenue North	R-1	R-2
6150 Saint Croix Avenue North	R-3	Mixed Use – Neighborhood
1900 Douglas Drive	Commercial	Mixed Use – Neighborhood
1930 Douglas Drive	Commercial	Mixed Use – Neighborhood
6155 Duluth Street	Office	Mixed Use – Neighborhood
1950 Douglas Drive	Institutional (I-1)	Mixed Use – Neighborhood
2000 Douglas Drive	R-1	Mixed Use – Neighborhood
2010 Douglas Drive	R-1	Mixed Use – Neighborhood

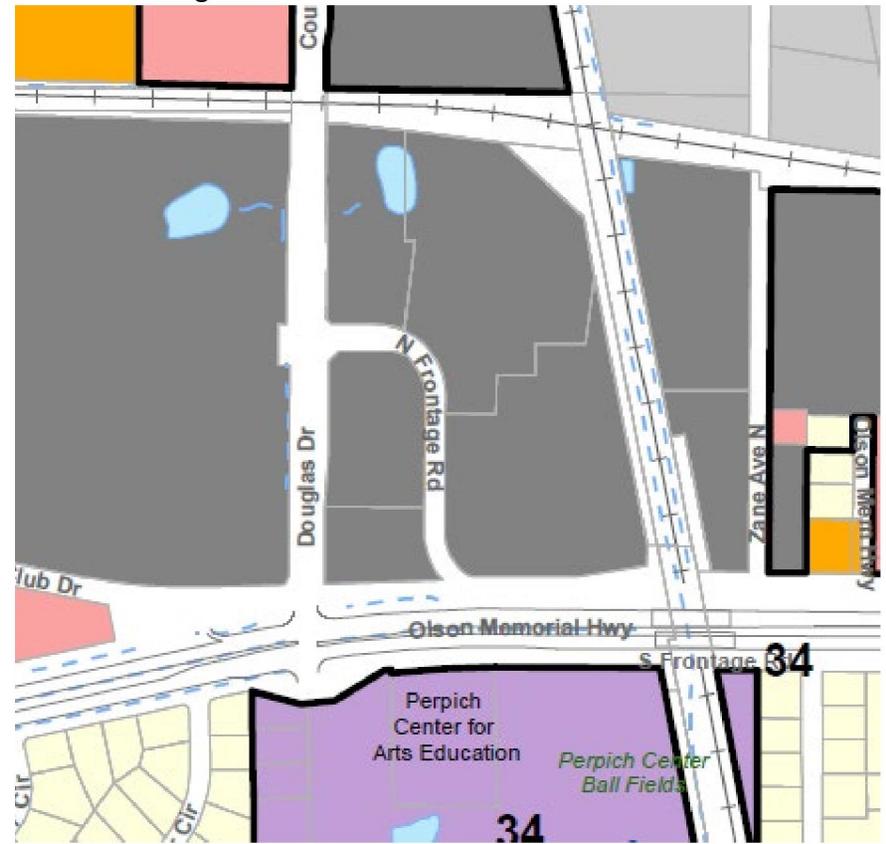
2020 Douglas Drive	R-1	Mixed Use – Neighborhood
2040 Douglas Drive	Office	Mixed Use – Neighborhood
2045 Douglas Drive	R-1	Mixed Use – Neighborhood

Group 1

Future Land Use

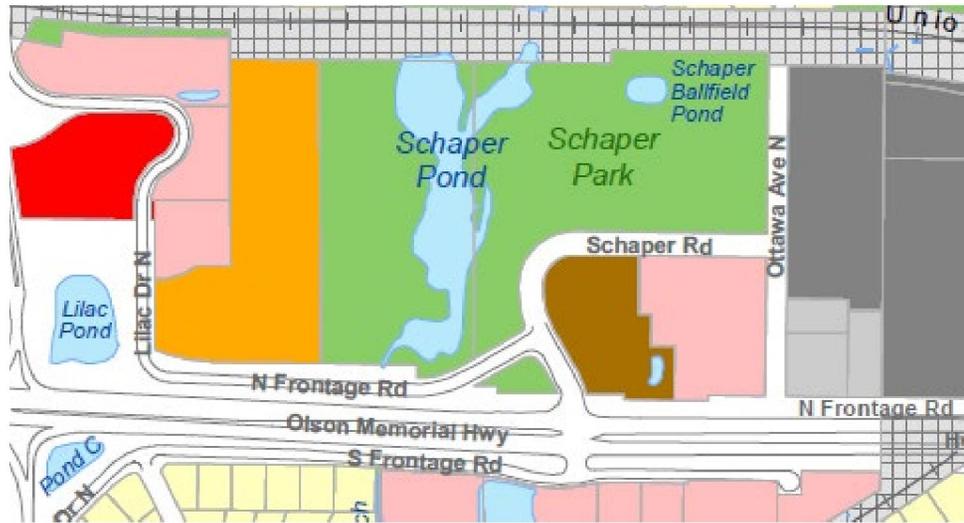


Current Zoning

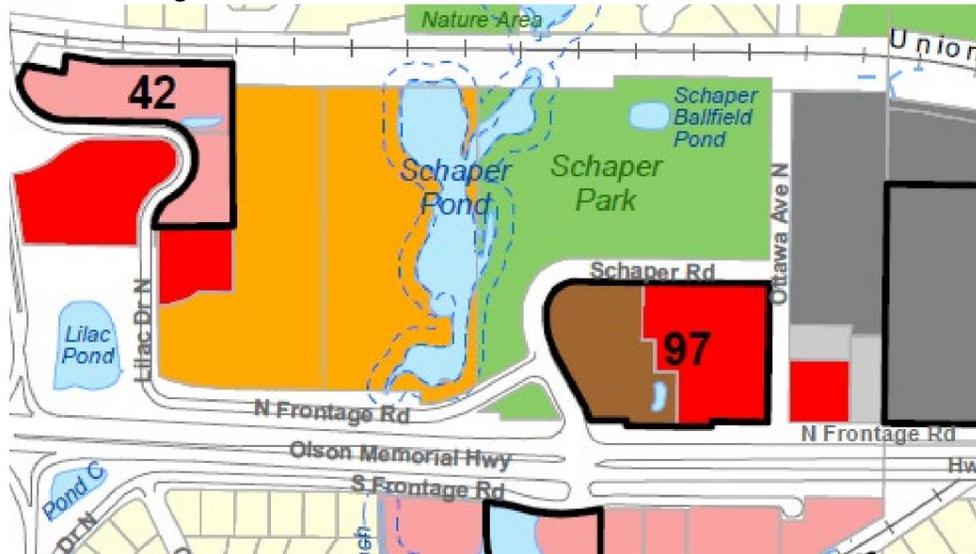


Group 2

Future Land Use



Current Zoning

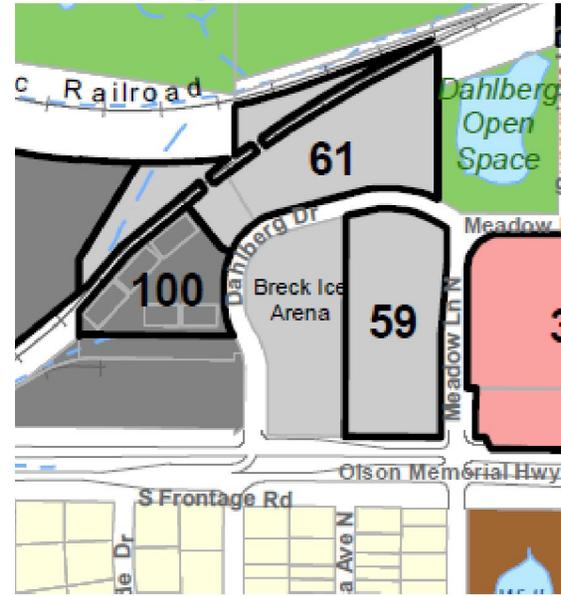


Group 3

Future Land Use



Current Zoning



Group 4

Future Land Use

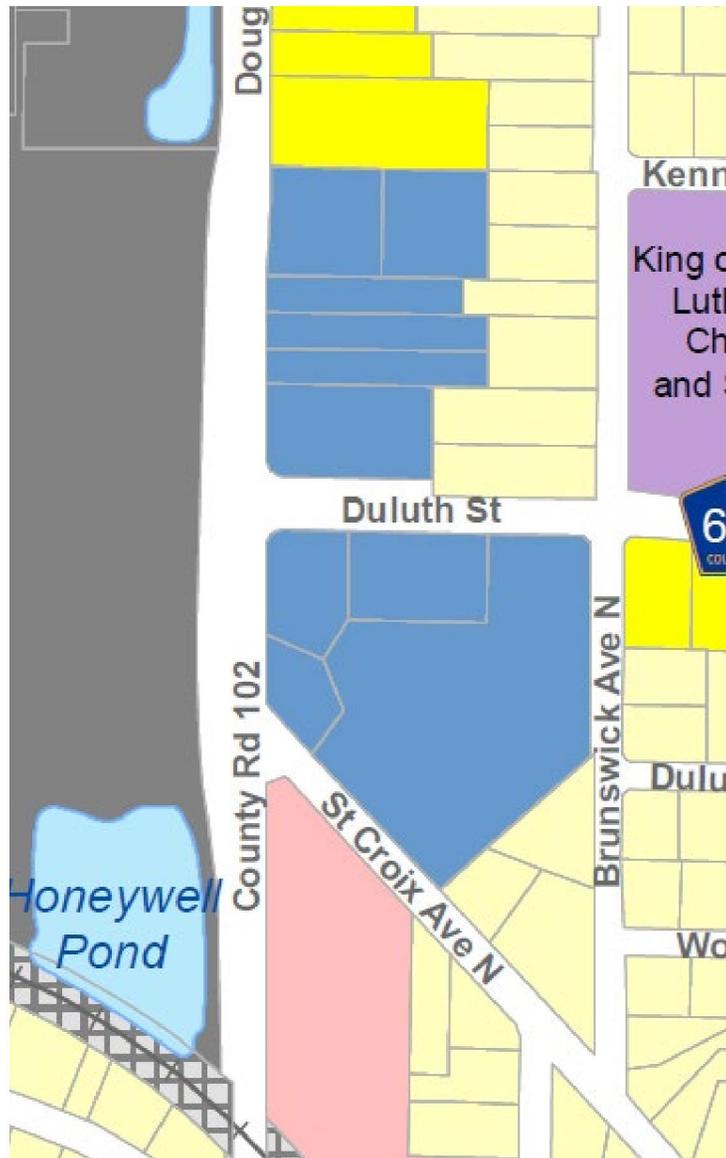


Current Zoning

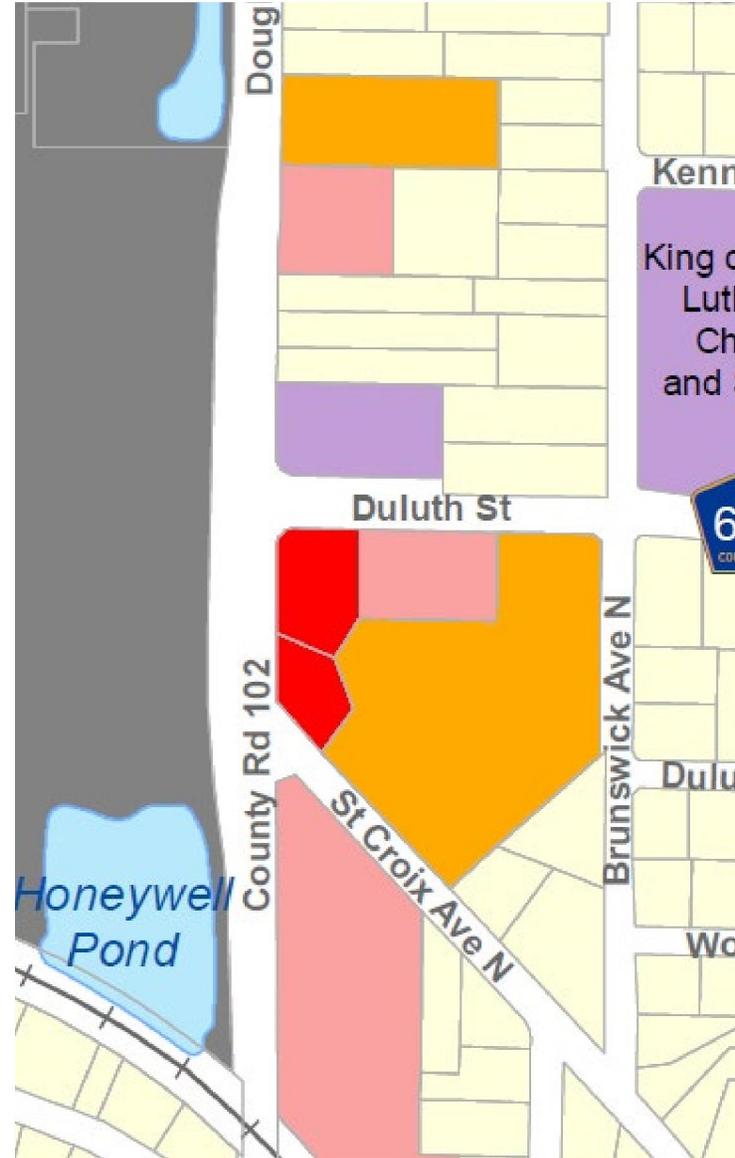


Group 5

Future Land Use



Current Zoning



ORDINANCE NO. 689
 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 113
 Rezoning Certain Properties North of Olson Memorial Highway and East of Douglas Drive
 in Order to Achieve Alignment with the 2040 Comprehensive Plan

The City Council for the City of Golden Valley hereby ordains:

Section 1. City Code chapter 113 entitled “Zoning” is amended in Section 113-55 Subd. (b) by changing the zoning designation of certain tracts of land as follows:

6100 Olson Memorial Highway	from Industrial	to Mixed Use - Employment
6110 Olson Memorial Highway	from Industrial	to Mixed Use - Employment
6250 Olson Memorial Highway	from Industrial	to Mixed Use - Employment
650 Douglas Drive North	from Industrial	to Mixed Use - Employment
740 Douglas Drive North	from Industrial	to Mixed Use - Employment
604 Lilac Drive North	from Commercial	to Office
PID 1902924230023	from R-3	to I-4
4800 Olson Memorial Highway	from Commercial	to Office
4708 Olson Memorial Highway	from Commercial	to Light Industrial
4310 Dahlberg Drive, including		
4232 Dahlberg Drive	from Light Industrial	to Office
4248 Dahlberg Drive	from Light Industrial	to Office
4264 Dahlberg Drive	from Light Industrial	to Office
4280 Dahlberg Drive	from Light Industrial	to Office
4294 Dahlberg Drive	from Light Industrial	to Office
4210 Olson Memorial Highway	from Light Industrial	to I-1
4150 Olson Memorial Highway	from Light Industrial	to Office
1931/1933 Adair Avenue North	from R-1	to R-2
6033/6035 Duluth Street	from R-1	to R-2
1928/1930 Brunswick Ave North	from R-1	to R-2
6150 Saint Croix Ave North	from R-3	to Mixed Use - Neighborhood
1900 Douglas Drive North	from Commercial	to Mixed Use - Neighborhood
1930 Douglas Drive North	from Commercial	to Mixed Use - Neighborhood
6155 Duluth Street	from Office	to Mixed Use - Neighborhood
1950 Douglas Drive North	from I-1	to Mixed Use - Neighborhood
2000 Douglas Drive North	from R-1	to Mixed Use - Neighborhood
2010 Douglas Drive North	from R-1	to Mixed Use - Neighborhood
2020 Douglas Drive North	from R-1	to Mixed Use - Neighborhood
2040 Douglas Drive North	from Office	to Mixed Use - Neighborhood
2045 Douglas Drive North	from R-1	to Mixed Use - Neighborhood

Section 2. City Code Chapter 1 entitled “General Provisions” and Sec. 1-8 entitled “General Penalty; Continuing Violations” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council this 1st day of September, 2020.

/s/Shepard M. Harris
Shepard M. Harris, Mayor

ATTEST:

/s/ Kristine A. Luedke
Kristine A. Luedke, City Clerk



EXECUTIVE SUMMARY

Physical Development

763-593-8030 / 763-593-8109 (fax)

**Golden Valley City Council Meeting
September 1, 2020**

Agenda Item

6. A. Appeal of Board of Zoning Appeals Decision - 2565 Byrd Avenue North

Prepared By

Myles Campbell, Planner

Introduction

David Uhr, the property owner, is seeking a variance from the City Code to build a six-foot tall fence in the rear and side yard of his home, which both face public streets. The applicant is seeking the following variances from City Code:

Variance Request	City Code Requirement
The applicant is requesting a variance of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.	<p>§ 113-152, Screening and Outdoor Storage, Subd. (c)(1)(a) Height Requirements</p> <p>Fences in all front yards shall not exceed four feet in height. Fences in side and rear yards shall not exceed six feet in height.</p>

Background

The property owner applied for the above variance at the August 25th Board of Zoning Appeals meeting. The minutes from this meeting, full staff memo, and application materials are attached with this packet.

At that meeting, the variance was denied by the Board, although both the board and applicant demonstrated interest in finding a compromise. Following the decision to deny, the property owner chose to appeal the decision on the fence height to the City Council

Summary of Requests

§ 113-152 Subd. (c)(1)(a) establishes the maximum height for fences on residential properties. Typically, height is capped at 4 feet for front yards, and 6 feet for rear yards. This distinction helps to prevent home facades from being blocked from public view, while still allowing additional privacy in rear yards. As noted, while the area proposed to be screened in by the applicant functions as a back yard, in City code it is still considered a front yard, and therefore fences would be limited to 4 feet in height. The only section of the yard that could be built to 6-feet by right would be to the south of the home and between both the eastern and western planes of the home.

The applicant notes that they are seeking the additional height both for privacy and security. While this section of France Ave doesn't have exceptionally high traffic levels (650 annual average daily traffic in 2017) it does come downhill to a stop sign across from the property, causing cars to stop and face into the property. The applicant also has a large dog and is expecting a child and so would appreciate the added security of a taller fence.

Analysis

In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City's Comprehensive Plan, and that a property exhibit "practical difficulties" in order for a variance to be granted.

At the BZA meeting, staff generally found the requests to be in-line with the purpose and intents of both the Zoning Code and the City's 2040 Comprehensive Plan.

In order to constitute practical difficulties:

1. The property owner must propose to use the property in a reasonable manner.

While fences are common and reasonable use of a residential property, six-foot fences in front yards are typically only allowed by the City in cases where a street is particularly busy or active, such as in the cases of a frontage road. While France Ave does end directly facing the property, given the low level of traffic, staff is not convinced that the additional height is necessary for privacy reasons.

2. The landowners' problem must be due to circumstances unique to the property that is not caused by the landowner.

While corner lots are common throughout the city, lots with three sides facing a public roadway are rare. With most corner lots, there is an ability to push a fence inward on a lot and bring it behind the front planes of the home to build a six-foot fence by right, however this is not an option here.

3. And the variance, if granted, must not alter the essential character of the locality

By staff's review, there are very few existing fences in this neighborhood. For this reason, a six-foot privacy fence would certainly be a noticeable change to the area.

Additionally, staff assesses whether other options are available to meet the applicant's needs without requiring a variance, or whether the proposal requests the smallest variance necessary to meet the applicant's needs. During the BZA meeting, there was some discussion about allowing a six foot fence on just one side of the property, the portion running alongside 26th Ave N. Given that this street section seemed to have the highest level of privacy issues, BZA members were open to the idea. Instead of pursuing this modification however, BZA members seemed to feel the applicant was more interested in the original variance request of 6 feet on all sides.

After the meeting, staff had a chance to talk with the applicant about a lesser variance approval, and they agreed that the 26th Ave side would be their top priority to provide extra privacy along. Staff feels comfortable with this compromise, given that the BZA itself had considered this option at their meeting.

Recommended Action

Motion to deny the variance request of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

Motion to modified approval of the variance request of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft. limited to the section of fence directly facing 26th Ave S.

Attachments

- Variance Appeal Application (3 pages)
- Staff Memo and Application Materials from the Board of Zoning Appeals dated August 25, 2020 (16 pages)
- Board of Zoning Appeals Minutes Dated August 25, 2020 (3 pages)
- Letter from Neighbor (1 page)

**APPEAL FORM
BOARD OF ZONING APPEALS DENIAL**

DATE: 8/27/2020

TO: Golden Valley City Council

FROM: Petitioner

Name: David Uhr

Address: 2565 Byrd Ave. N

Phone: 612-600-0610

Street address of property involved in this petition:

2565 Byrd Ave. N. Golden Valley, MN 55422

If you are not the owner of all of the property involved in this petition, give the name of the owner and describe the petitioner's interest (legal and otherwise) in this property:

Waiver requested and denied was:

To increase the fence height in our side and backyard from 4ft to 6ft. Golden Valley technically classifies the yard as a front yard which limits the fence height to 4 ft

Appellant's reasons for requesting council's review and consideration of the BZA denial:

Our property is very unique in that it has 3 "front yards." There seemed to be a misunderstanding during the BZA meeting. We were requesting a 6ft fence on all 3 sides of our yard and were under the impression that the BZA would evaluate each side of our yard individually. Instead the BZA reviewed the request as all 3 sides or nothing and they did not feel comfortable granting approval for a 6ft fence on all 3 sides.

We are now amending our request to specifically focus on receiving a 6ft fence on the side of our yard facing 26th Ave N. Below I will outline how increasing the fence height from 4ft to 6ft meets the 3 variance requirements of reasonable use, unique circumstances out of our control, and not impacting the aesthetic of the neighborhood.

Reasonable use:

We would be using the fence for enhances privacy and security to our overly exposed lot. We are expecting our first child next month so having added security and privacy is essential for us. Six foot fences are typically allowed in side yards so this would be a reasonable use of the property.

Unique circumstances out of our control:

The location of our home poses additional constraints beyond that of a traditional corner lot. Most corner lots have at least 2 sides of their yard that can have 6ft fencing, but we do not have any. On 26th Ave. we have a stop sign directly in-front of our side yard. When stopped at the sign, cars can easily look over a 4ft fence into our yard. Additionally, France Ave dead-ends at our lot and has a stop sign where it meets 26th Ave which also allows stopped cars to view directly into our yard. France Ave. is a pretty busy road and has a very steep grade, allowing cars heading South to see into our yard and over a 4ft fence from approximately 400ft away. Since 26th Ave. is a dead-end, cars tend to sit at the stop signs for long periods of time. Additionally, Golden Valley tends to park construction equipment and heavy machinery around our lot because it has two dead-end roads. These situations are not the result of any action by the landowner. Increasing the fence height from 4ft to 6ft would resolve or reduce the impact of these unique circumstances.

Not impacting the aesthetic of the neighborhood:

There are several houses in the area that have 6ft privacy fences, many of which are technically in "front yards." Our closest neighbor to the East has a 6ft privacy fence in their "front yard" which faces 26th Ave. just like ours would. The existing landscaping would remain outside the fence and help it blend in seamlessly. Lastly, this side of the fence actually faces

Robbinsdale instead of Golden Valley, so it would have a very minimal impact to Golden Valley residents.

Attach 7 copies of the site plan and/or drawings that may clarify the requested variance. If your plan is 11" x 17" or smaller, only one copy is needed.



MEMORANDUM
Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: August 25, 2020
To: Golden Valley Board of Zoning Appeals
From: Myles Campbell, Planner
Subject: 2565 Byrd Ave N
David Uhr, Applicant

Introduction

David Uhr, the property owner, is seeking a variance from the City Code to build a six-foot tall fence in the rear and side yard of his home, which both face public streets. The applicant is seeking the following variances from City Code:

Variance Request	City Code Requirement
The applicant is requesting a variance of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.	§ 113-152, Screening and Outdoor Storage, Subd. (c)(1)(a) Height Requirements Fences in all front yards shall not exceed four feet in height. Fences in side and rear yards shall not exceed six feet in height.

Background

The home at 2565 Byrd Ave N was originally built in 1959 as part of the Scherer Addition. The lot is located at the northern terminus of Byrd Avenue but also abuts 26th Ave N to the north and Kewanee Way to the west. Because of having three sides that face public streets, the rear and side yards are considered under code to be front yards in terms of their allowance for structures such as fences, decks, and sheds.



Many of these roadways also terminate in the area as dead ends. Both 26th Ave and Kewanee Way dead end to the west of the property, and only service the handful of homes that access that section of roadway. In addition to the public frontages, the lot also has a slight dip in grade from the home to the rear yard, generally around 4-6 feet in grade change. The applicant notes this change in grade would allow for a greater degree of visibility from roadways such as France Ave to the north, which comes downhill towards the home.

Summary of Requests

§ 113-152 Subd. (c)(1)(a) establishes the maximum height for fences on residential properties. Typically, height is capped at 4 feet for front yards, and 6 feet for rear yards. This distinction helps to prevent home facades from being blocked from public view, while still allowing additional privacy in rear yards. As noted, while the area proposed to be screened in by the applicant functions as a back yard, in City code it is still considered a front yard, and therefore fences would be limited to 4 feet in height. The only section of the yard that could be built to 6-feet by right would be to the south of the home and between both the eastern and western planes of the home.

The applicant notes that they are seeking the additional height both for privacy and security. While this section of France Ave doesn't have exceptionally high traffic levels (650 annual average daily traffic in 2017) it does come downhill to a stop sign across from the property. The applicant also has a large dog and is expecting a child and so would appreciate the added security of a taller fence.

Analysis

In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City's Comprehensive Plan, and that a property exhibit "practical difficulties" in order for a variance to be granted.

Staff finds that the variance is generally in line with both the purpose of the Zoning Code as well as the City's 2040 Comprehensive Plan. The fence height is atypical but not completely out of line with the expectations for a residentially zoned property, and does not introduce other uses or greater density.

In order to constitute practical difficulties:

1. The property owner must propose to use the property in a reasonable manner.

While fences are common and reasonable use of a residential property, six-foot fences in front yards are typically only allowed by the City in cases where a street is particularly busy or active, such as in the cases of a frontage road. Given the low level of traffic, staff is not convinced that the additional height is necessary for privacy reasons.

2. The landowners' problem must be due to circumstances unique to the property that is not caused by the landowner.

While corner lots are common throughout the city, lots with three sides facing a public roadway are rare. With most corner lots, there is an ability to push a fence inward on a lot and bring it behind the front planes of the home to build a six-foot fence by right, however this is not an option here.

3. And the variance, if granted, must not alter the essential character of the locality

By staff's review, there are very few existing fences in this neighborhood. For this reason, a six-foot privacy fence would certainly be a noticeable change to the area.

Additionally, staff assesses whether other options are available to meet the applicant's needs without requiring a variance, or whether the proposal requests the smallest variance necessary to meet the applicant's needs. While the applicant would prefer a higher fence, a four-foot fence could be built by right and require no variance approvals.

Recommendation

Staff recommends **denial** of the variance request of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

Property Legal Description

Property ID number:	18-029-24-11-0039
Address:	2565 BYRD AVE N
Municipality:	GOLDEN VALLEY
School district:	281
Watershed:	7
Sewer district:	01
Construction year:	1959
Owner name:	DAVID UHR & SASKIA ROBERTSON
Taxpayer name & address:	DAVID UHR & SASKIA ROBERTSON 2565 BYRD AVE N GOLDEN VALLEY MN 55422

Tax parcel description

The following is the County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance document recording ownership. Please refer to the legal description of this property on the public record when preparing legal documents for recording

Addition name:	SCHERER ADDITION
Lot:	001
Block:	002
Approximate parcel size:	72.6X130X69X107
Metes & Bounds: Common abbreviations	
Abstract or Torrens:	BOTH

Value and tax summary for taxes payable 2020

Values established by assessor as of January 2, 2019

Estimated market value:	\$227,000
Taxable market value:	\$210,190
Total improvement amount:	
Total net tax:	\$3,300.74
Total special assessments:	
Solid waste fee:	
Total Tax:	\$3,300.74 Expand for taxes due

Property information detail for taxes payable 2020
 Values established by assessor as of January 2, 2019

Values:

Land market:	\$79,000
Building market:	\$148,000
Machinery market:	
Total market:	\$227,000
Qualifying improvements:	
Veterans exclusion:	
Homestead market value exclusion:	\$16,810

Classifications:

Property type:	RESIDENTIAL
Homestead status:	HOMESTEAD
Relative homestead:	
Agricultural:	
Exempt status:	

Zoning Code Variance Application

Street address of property in this application:
2565 Byrd Ave. N

Applicant Information

Name (individual, or corporate entity)
David Uhr

Street address
2565 Byrd Ave. N

Zip
55422

Phone
612-600-0610

Email
Dave.J.Uhr@gmail.com

Authorized Representative (if other than applicant)

Name

Street address

Zip

Phone

Email

Property Owner (if other than applicant)

Name

Street address

Zip

Phone

Email

Site Information

Provide a detailed description of the variance(s) being requested:

We are requesting a variance of Section 113- 152, Screening and Outdoor Storage, Subd. (c)(1)(a) Height Requirements to allow us to build a 6 feet fence in our side and back yards, which are defined by Golden Valley as front yards.

Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:

We are requesting a 6 feet tall fence on the sides of our lot facing our neighbor, Kewanee Ave, and 26th Ave. Functionally, these sides of our lot operate as back and side yards so we would like to build a 6ft privacy fence on them. However, because they back onto roads, Golden Valley classifies them as front yards and limits our fence height to 4ft.

→ continued

Minnesota State Statute 462.357 requires that a property exhibit “practical difficulties” in order for a variance to be considered.

Practical difficulties:

- result in a use that is reasonable
- are based on a problem that is unique to the property
- are not caused by the landowner
- do not alter the essential character of the locality

To demonstrate how your request will comply with Minnesota State Statute 462.357, please respond to the following questions.

Explain the need for your variance request and how it will result in a reasonable use of the property.

It will allow us to install a continuous 6 ft fence across the 3 sides of our lot that functionally act as a backyard. Due to the unique layout of our lot, the slope of our backyard, and the stop signs adjacent to our property, a 6ft fence is necessary for privacy and security reasons.

We also have a large 90lb dog who can jump a 4ft fence and has a tendency to bark at dogs she can see. Due to the grade in our yard, a 4ft fence will allow our dog to easily see over the fence and jump over the fence. It will also make it easy for the dogs passing by to do the same.

We are also expecting our first child in October and would like the added security of a 6ft fence. A 4ft. fence combined with the

What is unique about your property and how do you feel that it necessitates a variance?

Our property is unique for several reasons.

- 1.) We have roads on 3 sides of our lot and therefore technically have 3 front yards. Due to how Golden Valley defines front yards, we are not able to have a 6ft Fence on 3 sides of our yard.
- 2.) Two of the roads that are adjacent to our lot, 26th Ave and Kewanee Ave, are dead-end roads with little traffic. This is unique and not like most corner lots. Neighboring residents treat these yards like backyards. Golden Valley also uses both of these roads to park construction equipment because they are dead ends. A 6ft fence is necessary for added privacy in backyards.

Explain how the need for a variance is based on circumstances that are not a result of a landowner action.

All of the items listed previously are not the result of landowner action. The location of our home poses additional constraints beyond that of a traditional corner lot. Most corner lots have at least 2 sides of their yard that can have 6ft fencing, but we do not have any. This situation is not the result of any action by the landowner since it was the decision of the original builder to use this layout.

Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.

Only a small number of Golden Valley residents will have a need to drive by our fence due to it backing into dead-end roads. For these select few residents, our fence will enhance the beauty and character of the surrounding neighborhood. It will be a professionally installed white vinyl fence that will need little maintenance and therefore always look beautiful. It will be nicer than the backside of our house and will obscure the dog and kid toys we will have in the yard, improving the overall aesthetic of the neighborhood.

We also have some beautifully landscaped areas that will be outside of the fence and allow the fence blend in with the area. As mentioned previously, Kewanee Ave is treated like a backyard for many residents so a 6ft fence height will fit in seamlessly.

The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. **Please describe alternate ways to do your project that do not require variances from the Zoning Code.**

Building a 4ft fence instead of a 6ft fence is not a viable alternative because of the reasons outlined above. I also believe we may be able to have a 6ft fence if we set it back 35ft from both roads. This is also not viable because it would significantly reduce the square footage of our fenced area and make it impractical.

Required Attachments

- Current survey** of your property, including proposed addition and new proposed building and structure setbacks (a copy of Golden Valley’s survey requirements is available upon request; application is considered incomplete without a current property survey)
- One **current color photograph** of the area affected by the proposed variance (attach a printed photograph to this application or email a digital image to planning@goldenvalleymn.gov; submit additional photographs as needed)
- Application fee:** \$200 for Single-Family Residential, \$300 for all other Zoning Districts
- Legal description:** Exact legal description of the land involved in this application (attach a separate sheet if necessary)

Signatures

To the best of my knowledge, the statements found in this application are true and correct. I also understand that unless construction of the action applicable to this variance request, if granted, is not taken within one year, the variance expires. I have considered all options afforded to me through the City’s Zoning Code and feel there is no alternate way to achieve my objective except to seek a variance to zoning rules and regulations. I give permission for Golden Valley staff, as well as members of the Board of Zoning Appeals, to enter my property before the public hearing to inspect the area affected by this request.

Applicant

Name (please print): David Uhr

Signature: **X** _____

Date: 7/30/20

Authorized Representative (if other than applicant)

Name (please print): _____

Signature: **X** _____

Date: _____

Property Owner (if other than applicant)

Name (please print): _____

Signature: **X** _____

Date: _____

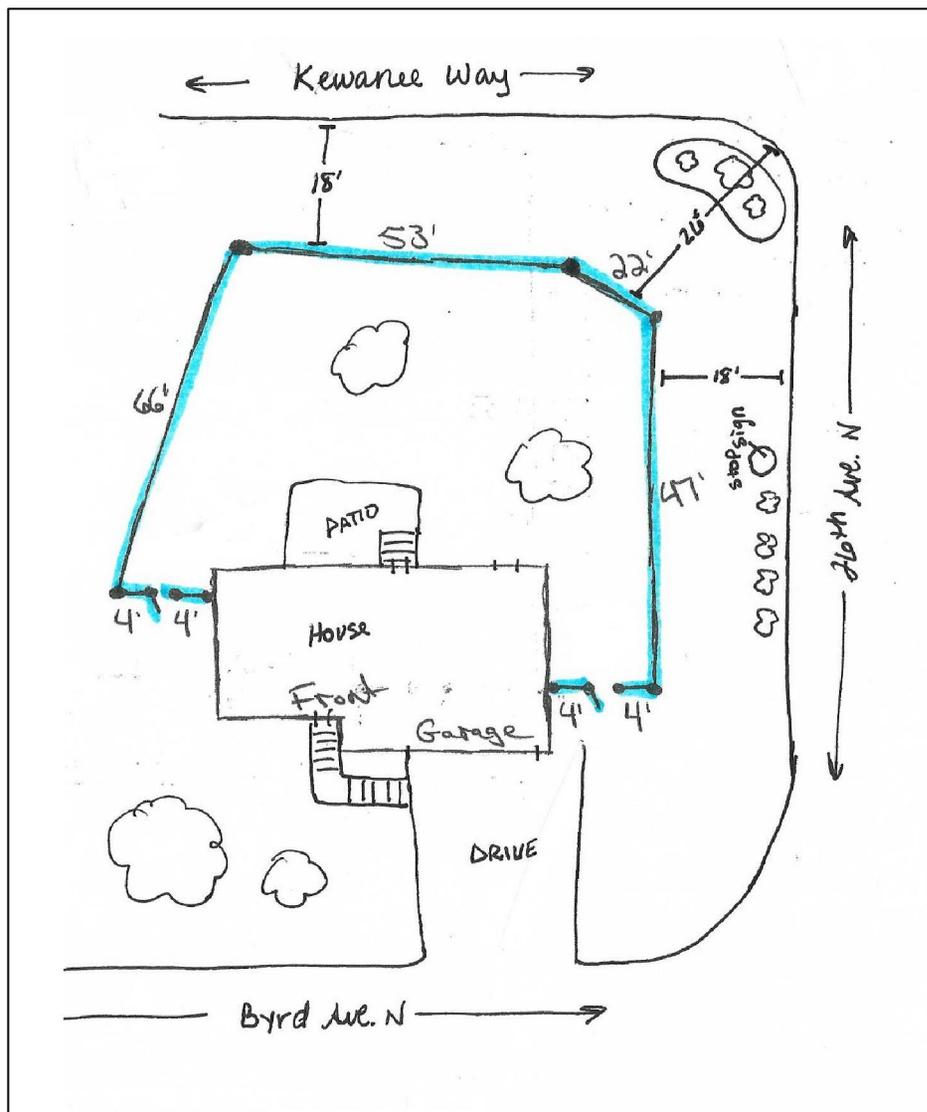
Please note: The City of Golden Valley will send notice of your variance request to all adjoining property owners as well as owners of properties directly across streets or alleys. Your neighbors have the right to address the Board of Zoning Appeals at your public hearing. You are advised to personally contact your neighbors and explain your project to them before the public hearing.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



Sketch of proposed fence



Corner of 26th Ave. and Kewanee. This landscaping would be outside of the fence line and help the fence blend nicely into the neighborhood



Stop sign on 26th Ave. People stop directly in front of our yard and will be able to peer into our yard if a 6ft fence is not installed.



Steep hill on France Ave. when heading south towards 26th Ave. This road dead-ends at our property. Due to the hill, drivers heading South on France can see into our yard from approximately 400 ft. away. There is also a stop sign at the bottom of this road so cars stop facing our yard.



This is where France Ave. meets 26th Ave. There is a sign directing people to turn left on 26th Ave since turning right is a dead-end. If you turn right on 26th Ave. You see the dead-end sign in the right image. The landscaping in the left photo would be outside of the fence.



Looking South down our lot on Kewanee Ave. The Wood stakes are where the fence would be placed.



**Looking North down
Kewanee Ave. This is where
the other dead-end sign is
located.**





Board of Zoning Appeals

August 25, 2020 – 7 pm

REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Board of Zoning Appeals meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meeting by calling 1-415-655-0001 and entering the meeting code **133 743 2368**.

Call To Order

The meeting was called to order at 7 pm by Chair Orenstein.

Roll Call

Members present: Chris Carlson, Sophia Ginis, Richard Orenstein, Chuck Segelbaum – Planning Commissioner, Lauren Pockl – Planning Commissioner

Members absent: Kade Arms-Regenold

Staff present: Planning Manager Jason Zimmerman and Planner Myles Campbell

Approval of Agenda

MOTION made by **Ginis**, seconded by **Pockl** to approve the agenda of August 25, 2020, as submitted. Staff took a roll call vote and the motion carried unanimously.

Approval of Minutes

MOTION made by **Pockl**, seconded by **Ginis** to approve the July 28, 2020, meeting minutes as submitted. Staff took a roll call vote and the motion carried unanimously.

1. 2565 Byrd Ave N David Uhr, Applicant

Request: § Section 113-152, Screening and Outdoor Storage, Subd. (c)(1)(a) 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

Myles Campbell, Planner, started by stating the applicant is requesting a variance from City Code in order to construct a six foot fence on a property that has three front yards. **Campbell** provided some context for the location and zoning of the property. The property has streets along three sides: Byrd Ave N, 26th Ave, and Kewanee Way. There is also a grade drop from the east to the west. The limit for fence height in front yards is four feet, so there is very little area where the applicant could construct a six foot fence. **Campbell** stated that the additional height is being requested for privacy as well as security for a large dog and a small child.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



Staff reviewed the application and after analysis found an extensive six foot fence would not be a reasonable use and would alter the essential character of the neighborhood.

Recommendation

Staff recommends **denial** of the variance request of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

Segelbaum asked for a review of when front yard fences are allowed an exception to be six feet in height. **Campbell** explained that it is for principal arterials with higher levels of traffic and that none of the three adjacent roads met that classification. The Board discussed if the limit on fence height was due to aesthetics or concerns around public safety and concluded it was mostly due to aesthetics and preserving the viewshed along public streets.

Chair Orenstein asked the applicant to comment and **David Uhr** pointed out that traffic heading south on France Ave has a direct view into their house and yard and that there are other six foot fences in the area, though he said they may have been constructed prior to the current regulations. In addition, the grade of their lot means there would be little privacy with a four foot fence.

The Board looked at images of a six foot fence just down the street. **Ginis** asked if the Board had ever approved a fence variance in a similar situation in the past. **Jason Zimmerman, Planning Manager**, stated that he was aware of one such case a few years ago where a property with three front yards was granted a variance for a six foot fence. In that case, the area that functioned as a rear yard was across from a wooded area and not a residence.

Uhr stressed that a priority was for privacy along 26th Ave because of the cars that paused at stop signs at the intersection with France Ave.

Orenstein asked if the applicant was open to any other options. **Uhr** replied that they were not interested in shrinking the size of the fenced-in area. **Segelbaum** asked if the applicant had considered landscaping for screening. The applicant stated they were also looking for security in containing their dog. **Zimmerman** read an email from the neighbor to the south objecting to a six foot fence along their property line because of the decrease in openness and visibility.

Pockl asked if there was a lot of foot traffic along the street. The applicant confirmed that there is, as well as a number of wild animals including coyotes, foxes, and turkeys.

Orenstein noted that there were no other members of the public wishing to speak. **Carlson** mentioned that he was sympathetic because the property is very exposed from all sides. **Ginis** stated that while she wanted to provide some privacy for the applicant's rear yard, she did not want to create a negative impact on the homes across the street. **Segelbaum** indicated he was open to providing some additional privacy along 26th Ave but that maybe vegetation could address that.

Orenstein mentioned that consistency was important for the Board and a **MOTION** was made by **Orenstein** and seconded by **Segelbaum** to follow staff recommendation and deny the variance request of 2 ft. over the allowed 4 ft. in height for fences in a front yard to a total of 6 ft.

Uhr asked if there was room to compromise and allow higher fence along one side of the property. **Pockl** asked if the applicant wanted to table the request to look at other options. **Orenstein** said they could appeal to the City Council if they didn't like the decision.

Staff called a roll call vote and the motion passed 4-1 with **Carlson** voting against.

concerns regarding 6 ft. fence at 2565 Byrd Avenue N

We live next door to 2565 Byrd Avenue North at 2525 Byrd Avenue North. We are unhappy with David Uhr's plan to install a 6 foot fence around his property. We enjoy the openness and visibility of our neighborhood. My husband is a retired Mpls police officer and knows the value of the sight line from existing homes. We are pleased to regularly see Golden Valley squad cars drive on Kewanee and Byrd. We fear a six foot fence will decrease the visibility and safety in our community.

We fear public safety will be jeopardized with a six foot fence. We are happy that our community is bursting with young families. Many of these children learn to ride their bikes on Kewanee since it is a dead end. Visibility will decrease with a 6 foot fence. In fact, we had planned to request a stop sign on Kewanee to slow people down.

We believe the 4 foot restriction is a good fit for our Golden Valley community. We enjoy communicating with our neighbors without any visual interference.

Kate Casserly and Michael Ganley

ANNOUNCEMENT OF MEETINGS AND EVENTS

Three or more Council Members may attend the following

AUGUST

30	Market in the Valley	9 am-1 pm	City Hall Campus
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SEPTEMBER

1	Board/Commission Interviews	5:15 pm	Held Virtually
1	City Council Meeting	6:30 pm	Held Virtually
7	City Offices closed in observance of Labor Day		
8	Housing and Redevelopment Authority Work Session	6:30 pm	Held Virtually
9	Council/Manager meeting	Following HRA WS	Held Virtually
14	2020 Greens Classic	1 pm	Brookview Golf Course
15	Special Housing and Redevelopment Authority Meeting	6:30 pm	Held Virtually
15	City Council Meeting	Following HRA Mtg	Held Virtually
24	Golden Valley Business Council meeting	8:30 am	Held Virtually