

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, FEBRUARY 25, 2002**

1. CALL TO ORDER.

Mayor Anderson called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

All joined in the Pledge of Allegiance.

3. ROLL CALL.

City Clerk Kathleen Magrew called the roll. Council members Terry Schneider, Linda Koblick, Al Thomas, Ken Tauer, Jan Callison, Dick Allendorf and Karen Anderson were present.

4. APPROVAL OF AGENDA.

City Manager John Gunyou said that there were no changes to the agenda.

Koblick moved, Allendorf seconded a motion to approve the agenda as submitted. All voted "yes." Motion carried.

5. APPROVAL OF MINUTES.

Schneider moved, Koblick seconded a motion to approve the minutes of the February 11, 2002 regular city council meeting. Anderson noted one small typographical error. All voted "yes." Motion carried.

6. SPECIAL MATTERS.

A. Recognition of employees and firefighters who reached significant milestone years of service in 2001.

Anderson thanked the following current staff members for giving so much to the city during their first 25 years of employment: Pat Kehr, Public Works Superintendent; John Lindahl, Public Service Worker II, and Firefighter Tim Oberg. Anderson noted that their jobs were not "9 to 5," and that they frequently had to serve during evenings and weekends. Anderson noted that Minnetonka has changed during the past 25 years. She considered those changes as positives that add to the quality of the community, and said that the changes were due in large part to the quality of the staff.

John Lindahl said that he viewed the city as maturing and coming into its own. He appreciated the importance the city now places on employee recognition. Pat Kehr said that he was glad that he had followed his

father's advice to stay with the city. Tim Oberg said that it is an honor to serve the city and work with the firefighters and other city staff.

B. Presentation of Metropolitan Council's MetroEnvironment Partnership Grant to the City of Minnetonka for the Operations and Maintenance Stormwater Improvements program.

Mary Hill Smith, the city's Metropolitan Council representative, and Jo Colleran, the city's Environmental Resources Coordinator, came to the podium. Smith said that Minnetonka is a wonderful regional participant. She noted the service Council Members Allendorf and Thomas currently provide through serving on Metropolitan Council committees, and noted that Council Member Schneider has also served.

Smith said that the Metropolitan Council has two sources of funding, and the city has already received a Livable Communities grant in the past. At this meeting, Smith presented the city with a certificate for an Environmental Partnership Grant in the amount of \$50,000. The grant is to improve the water quality of the region through a storm water runoff project at the new Operations & Maintenance facility.

Anderson thanked Smith. She said that although Colleran is a relatively new city employee, she has proved to be a valuable member of the staff. Colleran was the one who suggested applying for the grant to create rain gardens at the O & M facility. Anderson thanked Colleran, and also thanked Smith for her advocacy for Minnetonka.

Smith distributed pamphlets about the Metropolitan Council's new Smart Commute program. People who buy homes within one-quarter mile of a transit route can get credit for the savings of owning a car when they apply for a mortgage, and can receive a free two-year transit pass.

7. REPORTS FROM CITY MANAGER & COUNCIL MEMBERS.

City Manager John Gunyou reported that the next council meeting will be held March 4, and there will be no council meeting on March 11.

Gunyou also noted the success of the Remodeling Fair held the previous weekend. Minnetonka joins St. Louis Park, Hopkins and Golden Valley in presenting this event. Staff estimated attendance of 2,500. Every seminar area was overflowing, and foot traffic at the booths was greater than last year. Planner Susan Thomas staffed the city's booth, and estimated that 30 residents stopped to ask questions about setbacks and building projects. City inspectors helped staff the inspection booth. Gunyou noted that one of the city's goals is to make access to information about these processes easier for residents. Inquiries at the joint inspections booth also increased.

Anderson said that the Hopkins High School Boys and Girls Nordic Ski teams took first place in the State competition. She also noted that the TwinWest Chamber had another successful Gala event.

Anderson noted the presence in the audience of Boy Scouts Troop 426 from Minnetonka Lutheran Church and the Minnetonka East Middle School, as well as a civics class from Hopkins North Junior High School.

Callison said that she attended the Girls Scout Thinking Day where she observed 100 Girl Scouts who worked on projects and participated in ceremonies.

Koblick said that she attended a county-sponsored School and Community Leaders Summit to promote mental health in children. The goal is to find better models for children, leading to early intervention.

8. **CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.** No one appeared.

9. **BIDS AND PURCHASES.** None

10. **Items Requiring a Majority Vote:**

A. **Claims for council authorization.**

Tauer moved, Callison seconded a motion to approve the February 19, 2002 claims list including checks numbered 164744 through 165058 totaling \$1,124,745.18. All voted "yes." Motion carried.

B. **Ratification of termination of agreement with McLeod USA for telephone service and authorization to enter into agreement with Qwest Corporation for telephone service.**

Tauer moved, Callison seconded a motion to ratify the termination of agreement with McLeod USA for telephone service and authorize an agreement with Qwest Corporation for telephone service. All voted "yes." Motion carried.

C. **Resolution approving a conditional use permit for a restaurant at 12915 Ridgedale Drive for Subway.**

Tauer moved, Callison seconded a motion to adopt Resolution No. 2002-022 approving a conditional use permit for a restaurant at 12915 Ridgedale Drive. Approval is based on the findings that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Record this resolution with the county before the city issues a building permit.
- 2) The city council may reasonably add or revise conditions to address any future unforeseen problems.

- 3) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- 4) Obtain a sign permit prior to sign installation.
- 5) The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.

D. Authorization for the Mayor and City Manager to execute an agreement between the City of Minnetonka and Senior Community Services for the provision of a Senior Outreach Program.

Tauer moved, Callison seconded a motion authorizing the Mayor and City Manager to execute an agreement between the City of Minnetonka and Senior Community Services for the provision of a Senior Outreach Program. All voted "yes." Motion carried.

E. Authorization for the Mayor and City Manager to execute an agreement between the City of Minnetonka and Senior Community Services for provision of a Senior Services Program.

Tauer moved, Callison seconded a motion authorizing the Mayor and City Manager to execute an agreement between the City of Minnetonka and Senior Community Services for the provision of a Senior Services Program. All voted "yes." Motion carried.

F. Authorization for the Mayor and City Manager to execute an agreement with Xcel Energy for the Opus Area Street Lighting Project No. 6508M.

Allendorf pulled this item from the consent agenda to ask about possibilities for specially assessing these costs to the Opus businesses.

City Engineer Lee Gustafson said that the city has not assessed for similar street light projects in the past. He said that projects for new, decorative streets lights are assessed when the neighborhood petitions for them.

City Attorney Desyl Peterson said that the cost assessed cannot be more than the increase in property value caused by the project. She said that a number of years ago, the city decided not to assess for road improvement projects because of the difficulty of showing increased value from reconstruction. She viewed this project as similar, and recommended that the city not assess for this project.

Allendorf moved, Callison seconded a motion to authorize the Mayor and City Manager to execute an agreement with Xcel Energy for the Opus Area Street Lighting Project No. 6508M. All voted "yes." Motion carried.

11. **Items requiring Five Votes. None**
12. **INTRODUCTION OF ORDINANCES. None**
13. **PUBLIC HEARINGS. None**
14. **OTHER BUSINESS.**

A. Resolution approving a conditional use permit, site and building plans with variances, and floodplain alteration permit for the Gray's Bay Marina at 2831 County Road 101 for the City of Minnetonka.

Gunyou introduced this item by stating that the city council had seen this project a number of times, most recently when the council reviewed the business plans as the "owner." He noted that for this item, the council would be viewing the project in its land use regulatory role.

Planning Director Geoff Olson reviewed the information in the staff report, noting a correction that the boat storage area would be secured and available to boat owners 24-hours/day.

In response to Anderson's inquiry, Olson reviewed the lighting plan. Anderson noted that the marina lighting would be of a similar lighting style as the bridge.

Callison asked about corrections to the striping plan. Olson said that the wrong parking lot plan was in the packet. The plan in the packet reflected the suggestions of the neighbor, Mr. Rippetoe. Olson said that the parking lot will have one inbound lane and two outbound lanes.

In response to Anderson's request, Olson explained how the stacking area will work. City Engineer Lee Gustafson explained the areas for parking of cars only, handicapped parking, and a designated law enforcement space. He said that the remainder of the lot would be for car/trailer parking. In response to Anderson's question, Peterson said that a car parking in a car/trailer lot, without a trailer attached, would receive a parking ticket. Peterson said that the car-only spaces were not all reserved for the dock users.

Anderson asked if the restrooms would be available 24-hours/day even though the attendant's building might not be staffed. Gustafson said that there are concerns about vandalism, so that area is planned to be gated shut when there is no attendant. If circumstances warrant in the future, those gates could be left open.

Koblick asked if there would be room for other vehicles to drive around those stacked for launching. Gustafson said that the overall intent of the design for the site was to maximize the number of vehicles getting into the site without having a traffic jam at the initial access point, and to maximize the number of car/trailers that can wait in line for launching. There was

also consideration to try to keep the queue line to the side so other vehicles could pass. Koblick asked how many launch lines there were and if vehicles could pull out of those lines if they chose. Gustafson said that there are three launch lines, and that vehicles could pull out of the lines if they were not pinched in at the sides.

Koblick asked if there would be an area for cars/trailers to pull into as they left the lake to store their gear. Gustafson said that there will be two boarding docks for that purpose. He said that there will also be two designated wash-off areas equipped with spigots and hoses for boaters to remove weeds from their boats. Koblick said that the plan was sound.

Anderson asked if consideration had been given to hot water wash downs. Gustafson said that was being considered after the planning commission discussion. He said that hot or tempered water would be provided in the wash down area. Anderson said that she has recently heard that hot water wash downs are preferred prior to boats entering the water to prevent the spread of Zebra mussels. She said that the Lake Minnetonka Conservation District is suggesting this approach. Koblick said that conservation officers do check boats going in and out of the water when they do targeted enforcement.

Schneider moved, Thomas seconded a motion to adopt Resolution No. 2002-023 approving a conditional use permit, building and site plans, with variances, and a floodplain alteration permit at 2831 County Road 101 for the City of Minnetonka. Approval is based on the following findings:

- 1) The proposal meets the required conditional use permit standards.
- 2) The proposal would meet the required standards and ordinances for a site and building plan approval.
- 3) The proposal meets the required standards for a variance, because:
 - a. There is a hardship for the variances caused by the property's unique use and the need to consolidate facilities from the Gray's Bay dam site and the Gray's Bay causeway.
 - b. The variances would meet the intent of the ordinance because:
 - (1) the attendant building serves a similar purpose to a boathouse and must be in close proximity to the boat slips, gas dock, and boat pump out;
 - (2) the city is planning to eliminate the floodplain setback requirement;

- (3) County Road 101 curves away from the parking lot in the area of the setback encroachment, making the variance similar to a point intrusion; and
- (4) the use of infiltration basins and rain gardens will improve the quality of stormwater runoff from the site and exceed minimum code requirements.

Approval is subject to the following conditions:

- 1) Record this resolution with the county before the city issues a building permit.
- 2) The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
- Site plan dated January 2, 2002
 - Grading plan dated January 2, 2002
 - Landscaping plan dated January 2, 2002
 - Tree Plan, dated January 2, 2002
 - Building elevations dated January 21, 2002
- 3) The following work must be completed before the city issues a grading permit or before starting any site work:
- a. Fence all trees to be preserved and install erosion control measures.
 - b. Submit final site, grading, drainage, utility, erosion control, and tree preservation plans for staff approval. The floor elevation of the attendant building must be at 933.5 feet or above.
 - c. If required, submit copies of the MCWD permit and LMCD license. The city may require revisions to the approved plans to meet the districts' requirements.
- 4) The following must be submitted to the city before the city issues a building permit:
- a. A final landscape and irrigation plan for staff approval. All disturbed areas must be re-vegetated/landscaped in accordance with the approved plan before June 15, 2003.
 - b. An illumination plan for staff approval.
- 5) Remove all erosion control fencing by June 15, 2003.

- 6) The property owner is responsible for replacing any required landscaping that dies.
- 7) All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- 8) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- 9) Construction must begin by December 31, 2003, unless the planning commission grants a time extension.
- 10) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 11) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

All voted "yes." Motion carried.

B. Presentation of 2002 Assessment Report.

City Assessor Richard Toy introduced the assessing staff members who were present: Kay Manning, Joe Dabruzzi, Eric Johnson, and Rebecca Malmquist. He then reviewed the 2002 Assessment Report, as provided in the agenda packet. Toy noted that the calculation regarding a \$92,000 property reflected an incorrect educational credit of \$390 that should have read \$276. He said that there would still be a decrease in taxes of about \$71 for the property.

Callison asked if homeowners had to actively pursue a limited market value. Toy said that staff automatically calculates the limited market value for Minnetonka properties.

Gunyou commented that the report indicates that Minnetonka's values continue to grow, which is a positive. He noted that the city's auditor, Cliff Hoffman, said that increasing property market values reflect the economic and financial health of the community. Gunyou also noted that the number of appeals has decreased over time, which is a tribute to the assessing staff's professionalism.

Anderson said that new market value notices will be mailed at the end of the week. She encouraged property owners to call the assessing staff if they do not understand the information or if they disagree with the value. She said that staff can sometimes remedy issues through a phone call.

Allendorf asked if homeowners, particularly seniors, could work off part of their property tax bill. Toy responded that the county has such a program. He said that information about that program is included with the county's tax statements. Toy also noted that the maximum property tax refund has increased to \$1,500. He said property tax refund forms and instructions are available from the city and the Ridgedale Library.

Anderson thanked the assessing staff for their work on this project.

Schneider moved, Callison seconded a motion to receive the 2002 Assessment Report. All voted "yes." Motion carried.

15. APPOINTMENTS. None

16. ADJOURNMENT.

Thomas moved, Koblick seconded a motion to adjourn the meeting at 7:42 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk