

**STAFF SUMMARY
CITY OF MINNETONKA
STUDY SESSION
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Council Present: Ken Tauer, Jan Callison, Al Thomas Dick Allendorf, Brad Wiersum, and Karen Anderson

Excused: Terry Schneider

Staff Present: John Gunyou, GERALYN Barone, Lee Gustafson, Dave Johnson, Desyl Peterson, Perry Vetter

Others: Jeff Schoenbauer, Brauer & Associates; Paul Lehman, Park Board Chair

Mayor Anderson called the study session to order in the Council Chambers at 6:30 p.m.

1. Boards and Commissions Interviews.

Mayor Anderson welcomed the candidates and introduced the city council and staff.

Friende Mills, 5005 Woodland Road, was the first interview. Ms. Mills has a BA in history and has worked for five accounting firms. She is a senior tax property consultant and has worked with county appraisers. During the last four years she has been at home with two young children. Last year, she was president of the Eden Prairie Mom's Club and was appointed to an Eden Prairie arts commission. During the five months she served, she was on a committee to select an artist to create a memorial for Jean Harris. Currently, she is a member of the Minnetonka Mom's Club and would like to take a more active role in the Minnetonka community.

Mayor Anderson asked Friende why the Park Board is her first choice for service. Friende answered that she'd like to bring some of her knowledge of Eden Prairie parks and trails to Minnetonka.

Schneider asked about the Mom's Club. Ms. Mills explained that it is a non-profit, fund raising service organization. She said that when she was president in Eden Prairie the group raised money for murals to raise high school students' awareness of arts. In Minnetonka, her current group is trying to raise money for Minnesota Crisis Nursery.

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Thomas asked what the arts commission in Eden Prairie did. Friende replied that the group tries to raise awareness of the arts and worked to get businesses to include art, particularly sculptures in their environments.

Mayor Anderson noted that she had seen art displayed at the Eden Prairie City Hall and asked if that was due to the commission's work. Ms. Mills answered that it was, though it was before she was appointed.

Callison asked Friende to comment on the differences she's noticed between the Eden Prairie and Minnetonka park systems. She replied that she and her husband are both runners and don't feel that there is enough trail system in place in Minnetonka to stay out of traffic. She also said she'd like to see updated facilities at the parks. She noted that she goes to Mini-Tonka Park a lot.

Wiersum asked if she had other community involvement in or after college. Friende said she was part of the campus Y in college, which involved promoting awareness and diversity. She spearheaded a group that paired with at-risk high school students in an effort to expose them to the college environment and encourage the idea of going to college.

Ms. Mills said she became more involved in community when she moved to Eden Prairie. She said the difference between public schools in Texas and Eden Prairie was amazing to her.

Mayor Anderson closed the interview by noting that boards and commission openings occur regularly throughout the year and that her application will be kept on file.

John Anderson, 3601 Park Valley Road, was the second and final interview. John earned his BA in Architecture in 1988, and has worked with a number of large firms in the Twin Cities. He said he started his own small firm in the spring of 1992 and has undertaken many residential and small commercial projects. He said he applied for the planning commission since planning has always interested him and he understands the process. He said he feels he can bring a unique perspective, particularly with lakeshore properties. He said his philosophy includes the desire to allow for growth.

John is a three-year Minnetonka resident with two small children. He expressed a desire to get involved in his community.

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Tauer asked him to explain his comment about allowing houses that face the lake to grow. John said he is a new owner of an older house and has found that, in order to fit the house to the lifestyles of today, the house had to grow either up or out. He acknowledged that there is often a struggle when applying for variances needed and that zoning ordinances are sometimes difficult to work with. Tauer asked if he would agree with applying the same standard for houses not on the lake. John said yes.

Callison pointed out that John seems to have seen variances mostly from the perspective of applicants and that work on the planning commission requires a different perspective. She asked what challenges he saw in that. John answered that architecture is his passion and that he would apply the same passion to planning. Callison asked if he could step out of the architect role. John replied that he has thought about it and that, yes, he could.

Allendorf asked John to expand on his answer to Tauer regarding applying the same standards to houses not on the lake. John began by saying that it is an issue of hardship, noting that hardship is subjective and that those requesting variances would have to be able to prove hardship. He noted that sometimes homeowners just want to make changes, and that education is required in these cases.

Schneider noted that it is a challenge to evaluate from a professional perspective without taking on the role of staff. He also said it could be detrimental to the way the process is supposed to work if commission members are continually challenging staff.

Mayor Anderson closed the interview by noting that there are currently no openings on the planning commission.

The study session recessed at 6:55 p.m. and reconvened at 7:02 p.m.

2. Reports from City Manager and Council

City Manager John Gunyou reminded council that Monday, March 31, 2003 is the next regular meeting.

Allendorf reported on Glen Lake Planning activity, noting that there had been a large meeting with neighbors. He said the Glen Lake Planning Committee is

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working with staff and a consultant to determine what Glen Lake will look like, particularly when Xcel changes. He noted that the Mason property is expected to have an application for condos on the corner. He expressed his thought that it would be beneficial to plan for the future using a planning panel that includes neighborhood and business representatives. He said the group's objective is to come up with something that is achievable and can be brought to the planning commission, the EDA and the Council. He said he originally thought there would be a consensus, but he said there is a sub-element of the neighborhood that wants the city to buy the Mason property for open space and the group has been unable to reach consensus on the question of density. He said they did reach consensus on Stewart Lane and that he will discuss whether another meeting is necessary with staff and the consultant. He noted that the intention was for this to be a positive, forward-thinking effort, but that some rancor has come out of it.

Mayor Anderson noted that this is the first gathering of the council since the war started in Iraq. She wanted to reassure people that the city has an emergency plan in place when an orange alert is issued. She noted that citizens might notice more of a public safety presence.

3. Headwaters Park – Phase I.

Gunyou began discussion of this item by noting that this park is unique because of its relationship to the Gray's Bay project. He noted that the project has been divided into two parts. During the first phase, the boat launch will be closed in connection with the opening of the marina. During the second phase, more planning of the park will take place.

Perry Vetter, Recreation Services, gave an overview of the project.

Mayor Anderson asked what will be done with the mitigation area during Phase I. City Engineer Lee Gustafson explained that the area on the map shaded in gray will be regraded to form a gradual slope from the lake up to the parking area. He noted that this was a watershed district condition of approval for the Gray's Bay project. He said the area will be regraded and seeded until Phase II plans are approved and implemented.

Callison asked if a picnic area is part of this phase and if the center portion, where the hill is in the middle, is going to be graded. Vetter answered that no picnic area is proposed during Phase I, but one will be considered in Phase II.

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He noted that a picnic area was not highly desired by those attending the first neighborhood meeting. He added that the hill itself would remain the same during Phase I.

Thomas asked where shore fishing would occur. Vetter answered that during interim construction, the dam site would likely be closed. However, he added, part of the watershed district shoreline stabilization is to allow shoreline fishing. He noted that, currently, a fair amount of fishing takes place across the dam.

Anderson asked if the area across the dam would be open during construction. Vetter replied that it would not be while the roadwork is being done. He said that the intention is to follow up with Phase II as quickly as possible.

Schneider stated that the site has been used over the years for canoeing and that most of the groups have at least two trailers. He said he was concerned that, while one space at the site might meet the city's needs, it may not meet others' needs and he would like to see two to three spaces to accommodate canoe trailers.

Wiersum asked about the anticipated time frame for Phase I. Gustafson answered that the construction time frame is four weeks. He said he was not able to provide a specific start time, but the launch will be closed by April 11. He said that this is a small project, so timing will depend on how it is packaged with other projects.

Wiersum then asked if all the pavement would be removed and replaced. Gustafson answered that it would all be removed and replaced with new pavement and curb and gutter.

Tauer asked if the proposed site name was okay. Vetter answered that staff has been working with the Minnesota Archeological Society at this site.

Wiersum noted that the nature of this site is not a typical neighborhood park. He described taking a canoe down the creek as more of an event and said that picnic tables and trailer parking should be considered for Phase I.

Tauer said he thought staff has done a nice job in designing Phase II, adding that this is a citywide amenity. He asked that staff continue to ensure neighborhood input, but asked them to remember to recognize the larger city interest in the site.

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Gunyou said this site could be viewed like a community park, such as Meadow Park.

Schneider pointed out that the site will be popular with canoeists and picnickers. He asked about restroom facilities.

Vetter replied that a portable restroom with an enclosure that allows it to be anchored will be there.

Callison said it makes sense to do the project in two phases. She said it won't have as much traffic as other areas. She is in favor of picnic facilities, but said she thinks those can wait until Phase II. She added that portable toilets don't communicate the significance of the site.

Anderson said she is pleased the project is being done in two phases, noting that Phase I operations will prove that traffic to the site will decrease. She said she agrees that the area is more than just a neighborhood park and asked that more than neighbors living within 1600' be notified. She asked if a survey was done about this park. Vetter said no survey was done because of the limited amenities at this park.

Gunyou suggested contacting some canoe groups to see what type of amenities they'd use.

Anderson suggested ensuring that idea concepts adhere to the POST plan for this park during Phase II. She noted that all the concept plans for other parks have adhered to the POST plan.

Schneider expressed a concern regarding notification beyond 1600', saying that it seems more productive to stay with the same notification group. Vetter added that the notification radius is usually based on the size of the park. Anderson noted that the site is fascinating to people like her, who may not actually use it, but like to know it's there. Callison suggested posting a neighborhood meeting notice at the park site.

4. Civic Center Master Plan.

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Gunyou introduced this item, noting that some aspects of it have been in the works for a long time. He said an earlier plan had been prepared 15 years ago, with some of it implemented and some not. He said it made sense to update the plan now in connection with the parks renewal and other civic center area projects in the planning stages. He said the initial planning approach involved one-on-one interviews with interested parties, and noted that staff wasn't certain what the outcome would be. He said Jeff Schoenbauer of Brauer & Associates met with staff, council and other users, and there seemed to be a fair amount of unanimity.

Gunyou said he thought it was best to present the base plan and several variations to see if the overall concept was on track. He added that there will be more discussion next month during the CIP review about individual projects. He reiterated that this is a first step with council to check on overall concept and design. Following council discussion, the plans will be circulated to a number of involved users and the park board, who have yet to see these plans. Then, input would be solicited from the general public.

Jeff Schoenbauer reviewed the issues related to the campus and proposed concept plans.

Tauer asked what portion of the parking lot would be preserved. Schoenbauer answered that the plan was to preserve as much as possible, while taking out what doesn't work.

Schoenbauer then reviewed the base plan for the roadway realignment.

Allendorf pointed out that the area to the west of the driveway was currently used for the summer festival. Schoenbauer replied that the plan shows space preserved for future opportunities.

Allendorf suggested that in the future, the city may consider bowing the road further to the west and expanding the community center parking lot. Schoenbauer said that could certainly be considered, but pointed out the limiting factor of the electric towers.

Tauer noted that a power pole is located in the spot where there is a curve and the road angles to the northeast. Schoenbauer replied that the plans would be more precise at the next level of detail. He then further reviewed the roadway plan.

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Allendorf asked if the plan intended for all hockey arena traffic to use the boulevard? Currently, he said, some goes to the left and some to the right. He said he thinks hockey parents arriving late for practice could be violating some safety rules. He asked if the plan is intended to peel off all traffic going to the right. Schoenbauer answered that the parking lot has three exit/entrance points, so there'd be three dispersal points. Allendorf said his concern was not with dispersal, but with funneling all of the traffic onto the main roadway.

Schoenbauer continued to review the base plan and traffic flow as well as the location of the water treatment facility expansion, radio tower location, and garage.

Anderson pointed out that the program brief said there would be expansion of police parking on the south side. Schoenbauer said that the police department expressed a need for a secure area on the south side for about 9-12 police vehicles; also, the garage would have capacity for about 35 city vehicles.

Tauer asked if the police parking has to be retained on the south side. Schoenbauer said only police would be using the secure parking lot. Gunyoun pointed out that the south side was necessary for access to the sally port.

Schoenbauer continued to review the concept plan, moving on to trails.

Tauer asked about the connection of trails to the north of Minnetonka Blvd. Schoenbauer replied that it could be done.

Wiersum pointed out that the connection trail to Minnetonka Blvd. crosses Minnetonka Blvd at McGinty Road. Tauer asked if it is possible to get the trail closer to the creek. Schoenbauer said that a number of viewing point opportunities would be incorporated, adding that clearing the buckthorn may enhance the view(s).

Schneider said he gets complaints about how the north parking lot functions and noted the lack of character of the entrance to city hall. He noted a lack of aesthetic direction and said there is no easy way to get from the parking lot into the facility with the way the front lawn is designed. He commented on the long walk from the parking lot to City Hall. Schoenbauer said this issue could be looked into when the design moves to a greater level of detail.

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Allendorf asked if the parking for the area north of the fire station would be a new area. Schoenbauer replied it would be. He said some parking would be lost by introducing a driveway, but added that a garage built directly adjacent to the fire station would be ideal.

Allendorf suggested that forestry staff have input on preserving trees and protecting them from damage. He said he liked the concept of reorienting the vehicular entrance. He asked if there were some way to make the north entry to city hall less windy and also to convey more warmth. He noted that he liked the base plan.

Wiersum asked how long the trail loop will be. Schoenbauer said approximately one-half mile. Wiersum said he likes the idea of going out to perimeters for trail traffic flow and liked the idea of keeping the road divided to Rink B, noting that if there is ever an expansion, the city won't have to change the road and therefore pay for it twice.

Tauer asked how much of the existing parking lot is the same. He said it looks like the curbing is sound, but he knows the asphalt is cracked. He said it seems like the old plan still works and wanted to know what the life of the lot is if it isn't changed. Gustafson answered that much of the curb and gutter is in good shape, but the lot is due for mill and overlay. He noted the life might be extended another 10-15 years from doing this. Gustafson expressed concern about the drainage of the parking lot. He noted that the plan shows water ponding areas, but said that getting water to those ponds would require reconstruction.

Schneider said he agrees with being frugal, but said that shouldn't mean the city should be shortsighted, which is the benefit of a master plan.

Anderson asked for a best-case scenario time frame. Gunyou replied that the plan expects major work during 2005 and 2006.

Anderson said that she doesn't think the small new parking lot is a valuable use of space as shown on the base plan. She noted that moving the parking structure with underground, secured parking closer to the fire station would preserve some of the trees. She added that she would caution against calling the green space to the north of the ice arena "open green space." She said it would be scheduled for use for soccer practices (not games). She said that, while the area is not cost effective for the Minnetonka Horse Association, it only makes sense to tear it down with a clear purpose in mind for the space and to

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name that area for what it will be used for on the plan. Schoenbauer said he has only traded voice mails with the horse association at this time and agreed that the green space will be fairly well used when available.

Anderson said she supports the new driveway and suggested looking closely at landscaping used there.

Callison also expressed concern about the use of the open green space, noting that soccer practices might only be an interim use. Gunyou asked Dave Johnson, director of recreation services, to address the use of the green space. Johnson said the Park Board recommended it for informal field use since he knows there's been an increasing need for such space. He suggested that it be informal and that if soccer nets are placed there, that it be used on a first come, first served basis. He said while it would be an informal play area, it could be scheduled.

Anderson said she thought it would be better if it was scheduled as practice fields. She reiterated that she was reluctant to remove the horse arena until there is a definite plan for the area.

Tauer pointed out that the area is sloped.

Johnson said the park board has recommended that nothing be done with the terrain. He said most informal areas are used for younger children.

Anderson said the horse arena is a flat area. Schoenbauer suggested defining these issues in writing when the master plan is finalized. He then reviewed the options for a possible recreation center.

Gunyou noted that staff wanted to show two civic center design options as a prelude to the CIP discussion. One possibility is to replace Williston Center with all of its current club and recreation functions (larger building), and another is to only replace the city's recreational programming functions (smaller building). He noted that the details would be discussed with the CIP, and that tonight council was only looking at the footprint of the center.

Anderson expressed a desire to talk about the potential of the underground garage. Schoenbauer agreed that parking needs will have to be looked at carefully. Anderson also noted that if the larger size recreation center was built, the city may want to look more closely at structured parking in that area.

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Schoenbauer said that he has heard that the sharp turns on the road cause people to run off the road and said that the road could be stretched out and made more drivable.

Anderson commented that the roadway was originally configured to keep the oak tree and to slow down traffic; to add a long, straight stretch would require a stop sign.

Schneider concurred, saying that, even with structured parking, the larger facility exceeds the space available on the site. He said he liked the recreation center concept, but thinks other sites might have to be considered. He noted that this site is hidden and not readily visible to the general public and that he'd hate to build a facility where no one shows up.

Tauer said he is uncomfortable with a plan designating a recreation center. He'd prefer to just mark off the area for potential recreation use. He said the goal should be to lay out the campus for potential uses.

Schoenbauer said that the final master plan would define space in whatever way the council feels is appropriate.

Allendorf agrees with Tauer. He feels this is not the time to list a new facility.

Tauer said he likes the overall master plan, but is concerned about changing a parking lot that is still functional. He also expressed a desire to protect the oak tree east of Ice Arena A as well as salvaging as many trees on the site as possible. He said he doesn't like the parking space north of the fire station and thinks it should be closer. He asked about a ramp under the existing city hall lot. He was concerned about funding for a parking lot. He noted that the entrance monument on Minnetonka Blvd might be changed from "civic center" to "city center" and might be changed to accommodate event signs.

Anderson pointed out that anything the council does approving the master plan does not mean that the council approves individual items.

Gunyou noted that the CIP process is where council gives direction on specific items that are scheduled out over the next five years. He asked if council was comfortable with the next steps. They agreed they were.

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Park Board Chair Paul Lehman added that he was interested in the council's thoughts on green space, as the park board finds that helpful.

Anderson said she wants an idea of how summer festival will work on the site.

Schoenbauer, referring back to the Gray's Bay item, said that he is a member of the Minnesota Canoeists Association and can talk with them regarding the canoe launch at the Headwaters site.

5. Legislative Issues.

Gunyou introduced this item regarding council positions on legislative issues. He pointed out the issues the council is currently being asked to take a position on: the conceal/carry law and SW corridor transit planning. He suggested that council discuss a process by which they might decide to take positions on these and other controversial issues. He noted that Minnetonka is unusual, in that several council members and staff are actively involved in legislative issues.

Anderson said she doesn't want to discuss the merits of the issues, but agrees that there is a need to give direction on process. She explained how questions about issues come to her. She said that, for example, a group opposing the conceal/carry legislation approached her wanting the council to consider a resolution opposing it. She noted that the League of Minnesota Cities is opposing it based on liability and the encroachment on local authority. On the other issue, she noted that there were those who wanted the feasibility study currently underway by Hennepin County to stop. She said both of these issues were temporarily set aside by the legislature this week.

Anderson asked if the council wanted to take a position on issues such as these and how they should proceed if an individual council member feels strongly about an issue. She said they each have a right to speak on issues as individuals, but not as city council members.

Callison pointed out that, with these two issues, one is a group requesting a resolution and the other is a request to testify. She wonders if a councilperson is approached to testify, they should be required to obtain permission from the rest of the council? Would it be okay to mention a position, but only speaking as a member of the council, not on behalf of the council?

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Schneider said he's noticed a changed environment at the legislature in terms of the type of input and how it is received. He said it appears to be a backlash against professional lobbyists. He said the current trend seems to be that legislators will respond to an individual council member or to a council resolution, though they prefer one-on-one discussion. He said he thinks the council needs ground rules on how to accommodate this and agrees that each member should be able to go and testify as a council person, though not as a representative of the entire council, unless the council votes for that. He added that the council has not traditionally passed these kinds of resolutions and that too many such resolutions makes them meaningless. He said the council would have to decide how to do it --- majority rule or unanimous --- and he feels it should be by unanimous vote. He said the council should consider each issue, asking if it merits involvement and how it affects Minnetonka citizens, and then, keeping comments focused on how it impacts Minnetonka.

Allendorf said he doesn't think the council should be in the resolution business at all. He said it's not very effective. He feels that if something specifically and exclusively affects Minnetonka and its residents, then it is incumbent upon the council to do something. He said he prefers to call legislators. On the issue of conceal/carry, he said a case could be made that it affects Minnetonka residents, but it also affects residents throughout the state. He reiterated that he is not for making resolutions, but for calling legislators.

Regarding testifying, Allendorf said he was called by Representative Adolphson to testify and told him no. Had he testified, he said he would have identified himself as a Minnetonka council member. He noted that even if a council member testifies as an individual, someone will interpret it more broadly. He said he does not support a council member testifying on bills.

Anderson said she doesn't think the council can prevent free speech if any council member feels strongly about an issue.

Tauer said he would probably speak on issues in a more general, more philosophical sense.

Schneider generally agrees that if an issue could be used to reflect on the city unfavorably, then council members should probably turn down the opportunity to testify. He pointed out that there are some issues with significant long-term impact on which the council needs to take a proactive role - more than calling a legislator. He agrees that resolutions are not effective, but if an issue impacts

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the city, there should be a discussion. He suggested that having the mayor write a letter might be more effective than testifying.

Thomas agrees with the discussion on resolutions. He noted that there will be other broad topics that someone will want the council to take a position on. He said he leans toward Allendorf's comments and thinks that the council should do what it's already doing. He feels he's elected to worry about the City of Minnetonka. He said when the police chief or city manager testifies, they do so in their professional roles. If Terry Schneider testifies, he testifies as Terry Schneider, unless the council has asked him to testify. He said it's okay that the council is sometimes not in unison, but they should be careful when drawing the line of whom they represent. He suggested that each member make sure they clarify his or her role.

Anderson said she's hearing that the council wants to be very selective regarding any resolutions, and that any adopted should be specific to Minnetonka or exclusive to a smaller region. She said that, with controversial issues, when staff or a council member receive any requests for action, they can ask for staff to schedule a discussion. She said she thinks letters of support are fine.

Callison added that in determining whether an issue is exclusive to Minnetonka, a member should ask does this affect our role in governing Minnetonka and what's the best way to approach it (resolution, letters, phone calls, testifying)?

Wiersum said he thinks that, if the legislature appears to be usurping local authority, the council or a member of the council, should get involved. He said he doesn't think the council should say it will never do resolutions, rather that odds are low that it would happen.

Tauer noted that each council member can personally take a position on an issue (e.g., the war).

Anderson agreed, saying again that the council does not want to limit free speech.

Schneider said if the issue is not endorsed, each member needs to check it out with the rest of the council or leave his or her council member position out of it.

Anderson noted that she did not hear any direction to do anything further with the two issues at hand.

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Schneider said that there is probably not unanimity on conceal/carry anyway and that he feels it is wrong to stop the SW Corridor study.

Anderson said she would be happy to draft a letter based on the stifling of information.

Allendorf said the issue isn't that simple. He said he is concerned that the letter would be put in the context of the city being for or against something in this situation. He also said he thinks the bill will fail anyway, so there is no need to write a letter. He said he feels that it would put him in a position where people will read it as Minnetonka is in favor of using the SW Rail Corridor --- whether or not the city is for or against it. He added that he did want to see the study and then have the council take a position on the issue.

Callison noted that the bill could pass. She believes it's not the council's problem if people misinterpret a letter. She noted that she would like the study to continue, though she does not yet have a position on LRT. She said that conceal/carry does seem to affect local control and therefore does seem to be an issue to be concerned about.

Allendorf does not think the bill about the study will pass. He said a letter from the mayor or testifying regarding conceal/carry may make a difference, but he does not advocate rising to the level of adopting a resolution.

Schneider disagreed. He said if the council is facing the possibility of their action being misinterpreted, it does a disservice to their role.

Gunyou suggested that on issues like conceal/carry, which are broader than just the City of Minnetonka, it may be appropriate to adopt the default position of the League of Minnesota Cities or AMM. He said it's easier to say the council supports LMC's agenda, than to define another position. In cases like the SW Corridor though, LMC doesn't have a position, so one option might be to ask the study committee take a position.

Callison noted that the study committee will not be meeting until later in April.

Allendorf said he thought the council had previously agreed that they wouldn't take a position on the SW Corridor issue until the study results had come out.

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He suggested sending a letter to the chair of the committee saying that the council will not be taking a position until they see the results of the study.

Anderson said she was glad to sign a letter on conceal/carry that expresses her strong feelings about pre-emption and liability. She said she won't be testifying.

Tauer said it seems like the conceal/carry legislation is important to cities, and that if Karen feels confident taking the LMC position, others who feel differently are free to speak.

6. Adjournment.

The study session adjourned at 10:02 p.m.