

**MINUTES
MINNETONKA CITY COUNCIL
REGULAR MEETING, MONDAY, APRIL 28, 2003**

1. CALL TO ORDER.

Acting Mayor Terry Schneider 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 Al Thomas, Jan Callison, Dick Allendorf, Ken Tauer, Brad Wiersum, and Terry Schneider were present. Karen Anderson was excused.

4. REORDERING THE AGENDA.

Schneider said he would recuse himself as to item #14C due to a conflict. He asked that the agenda be reordered so that items #14D and #14E would be discussed before item #14C at which point he would leave and Allendorf would serve as acting mayor for the remainder of the meeting.

City Manager John Gunyou reviewed the addendum, a revised ordinance for item #14C.

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

5. MINUTES.

Callison moved, Tauer seconded a motion to approve the minutes of the April 09, 2003 Board of Review meeting. Thomas, Callison, Tauer, and Schneider voted "yes." Allendorf and Wiersum abstained. Motion carried.

Tauer moved, Thomas seconded a motion to approve the minutes of the April 14, 2003 regular city council meeting, and the April 14, 2003 executive session. Callison asked that the minutes of the regular meeting reflect that the discussion of item #14A, the Walters appeal, was taken out of order at the end of the meeting. All voted "yes." Motion carried.

6. SPECIAL MATTERS.

A. Proclamation of Saturday, May 3, 2003, as “Bennett Park Volunteer Day.”

Schneider read a proclamation proclaiming Saturday, May 3, 2003 as “Bennett Park Volunteer Day.”

7. REPORTS FROM THE CITY MANAGER AND COUNCIL MEMBERS.

Gunyou reported on the schedule of upcoming council meetings. On May 5, the council will do strategic planning at a study session. The next regular council meeting will be held on May 12, and the May 19 study session has been canceled.

Schneider reported that he attended a visioning and strategic planning retreat for the Board of Directors of the League of Minnesota Cities. He reported on the discussion and policy decisions regarding LGA funding from the State of Minnesota.

8. CITIZENS WISHING TO DISCUSS MATTERS NOT ON THE AGENDA.

No one spoke.

9. BIDS AND PURCHASES.

A. Consideration of bids for the renovation of the Ford Road lift station

Gunyou provided a brief introduction to this item.

Tauer moved, Thomas seconded a motion to award the bid for the renovation of the Ford Road lift station to Penn Contracting, Inc., in the amount of \$66,000.00. All voted “yes.” Motion carried.

B. Consideration of bids for Well 16A water main piping.

Gunyou provided a brief introduction to this item.

Allendorf noted that this bid and the one previous were below the engineers’ estimates. He asked about the disposition of the excess funds. Gunyou explained that staff tracks each fund over the course of a year because some bids are higher than the engineer’s estimate, and some are lower. The resulting fund balance carries forward to the levy decision for the next year. Gunyou noted that with the recession, bids have been more favorable.

Allendorf moved, Callison seconded a motion to award bid for Well 16A water main piping to Veit & Company, Inc., in the amount of \$80,580.10. All voted "yes." Motion carried.

C. Consideration of agreement to provide software and hosting services for on-line citizen request management.

Gunyou provided a brief introduction for this item.

Callison noted that after five years, the city would become responsible for these costs. She asked if excess grant funds could be used to offset those future costs. Gunyou said that excess funds would likely go toward the marketing campaign, and that any unused funds would need to be returned to the Sloan Foundation.

Tauer stressed the importance of publicizing the program to residents, and asked how that would be accomplished. Gunyou responded that the marketing campaign would likely include promotional items, such as magnets, post cards, and advertisements in local papers. Gunyou added that the Sloan Foundation stresses citizen feedback on how the system works.

Callison noted an additional \$5,000 expenditure in the agreement. Magrew said that the motion should include that expenditure in addition to the \$30,000 requested.

Callison moved Allendorf seconded a motion to approve an agreement with HRG Technology for software and hosting services for an on-line citizen request management system in the amount of \$35,000. All voted "yes." Motion carried.

10. CONSENT AGENDA (Items Requiring a Majority Vote):

A. Claims for council authorization.

Tauer moved, Allendorf seconded a motion to approve the April 28, 2003 claims list, including checks numbered 174015 through 174284 totaling \$1,264,934.96. All voted "yes." Motion carried.

B. Temporary banner for the City of Minnetonka's Open House for the new Public Works Building at 11522 Minnetonka Boulevard.

Tauer moved, Allendorf seconded a motion to approve the temporary banner for the City of Minnetonka's Public Works

Department Open House from May 13, 2003 to June 11, 2003. All voted "yes." Motion carried.

C. Proposed order for Liquor License Stipulation for Apple America Limited Partnership of MN, (Applebee's Neighborhood Grill & Bar), 12653 Wayzata Boulevard.

Tauer moved, Allendorf seconded a motion to issue Findings of Fact, Conclusion, and Order for Apple America Limited Partnership of MN. All voted "yes." Motion carried.

11. Consent Agenda (Items requiring Five Votes). None

12. INTRODUCTION OF ORDINANCES.

A. Introduce an ordinance amending the City Code to add a new Section 846 regarding clandestine drug labs.

City Attorney Desyl Peterson provided the staff report for this item.

Callison reported that she had asked Peterson to clarify two issues to ensure consistency in the ordinance before its adoption. In the reference to law enforcement action, Callison said that one section gave discretion to notify and then the next section referred to it as an obligation to notify. She also asked that in section 846.035 only contaminated personal items would need to be destroyed.

Tauer noted a reference to the most recent titleholder of a vehicle, and asked what would happen if a buyer did not complete the title transfer. Peterson said that the opening of that section provides an opportunity for a person to provide information that proves they no longer hold the title.

Allendorf moved, Tauer seconded a motion to introduce an ordinance amending the city code to add a new Section 846 regarding clandestine drug labs. All voted "yes." Motion carried.

13. PUBLIC HEARINGS. None

14. OTHER BUSINESS.

A. Resolution approving the following items pertaining to the reconstruction of CSAH 101:

1) Approval of Preliminary Layout No. 2

2) Authorization for the County to acquire all rights-of-way, permits, and/or easements.

3) Prohibition of parking.

Callison recused herself from this item because the West Hennepin Affordable Housing Land Trust holds a property along CSAH 101 that could be affected by the project.

Gunyou provided a brief introduction, noting that a community subcommittee reviewed the project.

City Engineer Lee Gustafson provided the staff report for this item, reviewing the project plans in detail. He noted the presence of Craig Twinem and Chris Sagsveen of Hennepin County, and Jeff Hilden of Edwards & Kelsey, the county's consultant.

Allendorf asked about the purpose for the expanded median between the bank and Blockbuster Video. Gustafson said that it would keep traffic in the proper lane after the left turn lane ends. The wider median would limit turning movements.

Tauer asked why trails were proposed for both sides of CSAH 101 until Ridgewood. Gustafson said that there is currently a well-used trail on the west side of the road that will be replaced. The existing trail on the east side would also be replaced and extended to Minnetonka Boulevard. Schneider asked that consideration be given to extending the east trail into Bennett Park to provide an off-road access to the fields.

Schneider noted previous discussions about streetscaping in the CSAH 5/101 area. Gustafson said that Community Development Director Ron Rankin has been discussing lighting, landscaping and building facades with the business owners in that area. He said that the project plan would provide a framework for sidewalks. Rankin said that the streetscaping improvements would immediately follow the road project.

Tauer noted that the standard for trails has been to keep them 18 inches from the curb. He asked if some flexibility could be allowed to provide more green areas. Gustafson said that staff has discussed this issue with the businesses and the county. Efforts will be made to provide the best possible environment for vegetation to survive, perhaps by shifting the sidewalk closer to the street and providing the streetscaping on the backside.

Wiersum moved, Thomas seconded a motion to adopt Resolution No. 2003-024, regarding items pertaining to the reconstruction of CSAH 101 from north of TH 7 to CSAH 5 (Minnetonka Boulevard), County Project No. 9918:

- 1) Approval of Preliminary Layout No. 2(dated February 18, 2003), with the understanding that CSAH 5 will be included in the design as a three-lane section to Woodlawn Avenue.
- 2) Authorization for the county to acquire all rights-of-way, permits, and /or easements required for the improvements proposed in Preliminary Layout No. 2.
- 3) Agreement by the City of Minnetonka to ban the parking of motor vehicles at all times and to provide enforcement for the prohibition of on-street parking for those portions of Project No. 9918 within its corporate limits.

Thomas, Allendorf, Tauer, Wiersum and Schneider voted "yes." Callison abstained. Motion carried.

B. Review of Park Renewal Concept Plans for Burwell Historic Site and Mills Park.

Gunyou provided a brief introduction to this item, noting that due to the historic nature of these parks, the community heritage commission was also involved in the planning.

Project and Event Manager Perry Vetter provided the staff report for this item, reviewing the plans for these two parks.

Callison asked if a path had been considered to provide access to the barn site. Vetter said that a path exists, and there are plans to connect that path to McGinty Road.

Callison asked that an additional educational sign be added regarding the buckthorn removal project. Vetter said that signage with information about that project is readily available and the sign will be added.

Callison noted that the EDA has discussed the businesses in the Minnetonka Mills area. She suggested that staff consider working with those businesses to enhance that unique area, perhaps through small improvements like ornamental street lighting or hanging baskets. Gunyou said that staff would follow up with area businesses.

Tauer was intrigued by the green paving because it would reduce the impervious surface area. He was concerned about the future pedestrian bridge due to cost and the visual impact. He would be more supportive of the bridge if there would be a link to the nearby Minnetonka Boulevard properties slated for open space acquisition. He noted his preference for different lighting at the Burwell parking lot, perhaps lights mounted in the trees.

Allendorf said that the plan was good. He has walked from the church to Burwell on several occasions, and said that the pedestrian bridge would reduce that walk. He suggested that the bridge be consistent with the look of Burwell. He also liked the green paving, and said that the improvements will be a wonderful addition to the parks.

Gunyou said that the pedestrian bridge would be tied to a trail after the four Minnetonka Boulevard properties are returned to their natural state. He said that the bridge design would be appropriate to the earlier period.

No council action was required on this item. At this point, Schneider reminded those present that items 14D and 14E would be taken before item 14C.

C. Items concerning a proposed 53-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC:

- 1) Ordinance rezoning the property from R-1 low-density residential to PID planned I-394 district and approving a master development plan, with final and site building plans; and**
- 2) Ordinance approving a wetland rezoning.**

This item was taken out of order, and was discussed after item #14E. Schneider excused himself from the discussion on this item and left the meeting.

Olson provided the staff report for the item. He noted that at the beginning of the meeting, the applicant advised him of a change in their request. The change would reduce the maximum number of units from 53 to 46, shortening the building's width by 26 feet. The change would not affect the number of affordable housing units. As he reviewed the background information, he noted the effect of this latest change to the project. He thanked the residents and the

developer for their efforts on the project, and said that staff recommended approval with a change to condition #12 so that the number of units may not exceed 46 and the floor area ratio must not exceed 50 percent of the site above the wetland boundary.

Callison asked for an explanation of the blue bands on trees on the site. Environmental Resources Coordinator Jo Colleran was not sure, but thought they might denote significant trees that would be removed.

Tom Threlkeld of Yellowstone Trail LLC, 130 Hunters Glen, Wayzata, spoke on behalf of the developer. He noted the presence of Bob Lund and Chris Huff of Robert Lund & Associates; and Jeremy Boots of Oliver & Associates civil engineers. He apologized to Mrs. Jondahl and her family for the comment related to 35 units, but he had never proposed 35 units.

Threlkeld then explained the reasoning for their recent change to the project. Their marketing research over the past winter indicated that buyers are seeking larger homes than anticipated, so the number of units was being reduced. This reduction would also reduce the building's mass and floor area ratio. Threlkeld said that the market research also provided information about the recreational needs of potential buyers. There was not overwhelming interest in swimming pools and tennis courts, but there was interest in the natural setting. He explained the recreation areas that would be included.

In response to Wiersum's inquiry, Threlkeld said that trails would circle the building, except where there are steep grades on the east side.

Robert Lund, 4829 E. Lake Area Parkway, Minneapolis, spoke as the project architect. He used the drawing to describe the building and the reasons for its design. Lund said that the latest reduction would incrementally trim about 1,200 to 1,500 square feet from each of the three floors of the structure. The reduction would reduce the structure's total square footage from 84,800 to 74,800.

Allendorf asked what would replace the 26 feet reduced from the structure. Lund said that issue was under discussion, with terraces or additional parking area being possibilities.

Linda Lemke, 100 Parkers Lake Road, questioned if the project would provide a reasonable transition from the surrounding uses to single family dwellings. She also asked what other medium density

projects with affordable housing, used the maximum number of wetland credits.

Tim Jondahl, 116 Parkers Lake Road, questioned if the drainage plan was appropriate. He noted that there are peat bogs in the area, and questioned if the peat would infill any pond built. He also noted that there is a natural creek in the area, and asked about the location of the weir. He wondered if the pond was of sufficient size, and if the grade was sufficient to allow for flow.

Gustafson said that the ditch would not be infilled, but a small portion of the wetland would be filled. The proposed plan would carry the current water flow, and additional areas would not be diverted to the pond. He had not seen any soil tests, so he did not know if there was peat in the area. Gustafson said that the pond had been designed in a very efficient manner, including an elongated shape to allow sufficient flow length to filter out particulates. Gustafson said that the creek Jondahl referred to was actually a natural drainageway. Gustafson said that with any development, the assistant city engineer reviews the calculations and designs to ensure that the plan complies with the city's requirements.

Callison asked about the consequences if the city erred in its review. Gustafson said that in the worst case, the pond would overflow to the wetland as it does today. Gustafson said that about three feet of water storage is required for any system to work.

Mark Kipp, 17 Niagara Lane North, Plymouth, spoke on behalf of himself and other neighbors on his street that could not attend the meeting. He felt the one, two and three bedroom condominiums would attract families. He did not feel that appropriate recreational opportunities would be provided for children within the project and said that there are no neighborhood parks in close proximity. He also asked if fencing would be required where the trail passes close to the pond.

Allendorf responded that the planning commission minutes reflect that a fence could create an additional attractive nuisance so fencing would not be required.

Kipp also asked if a plan was in place to deal with construction traffic during construction, including consideration of the many school buses that use Parkers Lake Road. Kipp questioned why apartment buildings were used for the traffic study comparison instead of condominiums. He was also concerned about a

discrepancy in the number of trips in the study, and the study's statement that the proposed project would not generate significant additional traffic.

In response to Allendorf's question, Olson said that all projects, including this one, are required to have a construction management plan approved by staff prior to issuance of a building permit. Olson said that if Kipp has special concerns, he should advise staff before the building permit is issued.

Tony Heppelmann of WSB & Associates, spoke as traffic consultant to the city. He explained that the discrepancy in the number of trips resulted from the traffic counts being taken on two separate dates, as well as traffic volume variances. He said that the counts were valid and supported the traffic study's recommendations. He said that using apartments for comparison purposes provided a more conservative comparison. In response to Callison's question, Heppelmann said that they used traffic counts from 4 p.m. to 6 p.m. and from 6 a.m. to 8 a.m. for the peak hours.

Wiersum asked what portion of the traffic counted was local versus outside traffic. Heppelmann said that they did not count trips within the area. They calculated 10 trips per unit, for 25 peak hour trips. Kipp said that Heppelmann had told him that they used 2:30 p.m. to 4 p.m. to calculate the evening peak traffic hour. Heppelmann felt that there had been a misunderstanding on that issue, and confirmed that the study had used a 4 p.m. to 6 p.m. peak period.

Kipp asked about traffic counters that had been recently put into place. Gustafson said that they were likely part of the city's regular traffic count program, and were not related to the project.

Jondahl asked about the required setbacks from a creek. Olson said that there are no setbacks required from natural drainageways.

Allendorf thanked the developer for working with staff and the neighbors. He said that the input made the project better. He also thanked those who pointed out the error in the floor area ratio calculation.

Tauer said that he had struggled with the request for 53 units. He could not recall a previous situation for a medium density project with similar wetland credits. He said that the affordable housing units were very important. Reducing the number of units increased his comfort level with the project, and answered most of his issues, including the recreational space. He said that families make

choices where they live and they need to consider the availability of play areas for their children. He appreciated the protection of trees.

Tauer noted that a concern was raised about setting precedent with the 60 percent wetland preservation, but he felt that the project followed the existing guidelines. Regarding the transition, Tauer noted that this property is guided for higher density. He suggested that there might be a need for future discussion about the issue of wetlands and uplands. He was concerned that a developer might purchase additional adjacent property to work around the requirements. He was also concerned about the effect of the recreational requirement on the development of a larger property with significant wetlands. Tauer said he would support the project.

Wiersum thanked all those involved, and commended the neighbors for defining and raising the issues. He appreciated the new proposal from the developer. He had been concerned about the land credits and the density issues in the original request, but said that the reduction in the number of units made his decision easier. Reducing the number of units to 46 while retaining the affordable housing units provided a win: win solution for all involved. He asked that staff resolve the peat bog and core sample issues, and ensure that the pond will work in the way intended. He said that the neighbors' issues were compelling. He would support the project.

Callison said that the central issue was density. The neighbors were correct about the importance of this decision as it related to the development of steep slopes and wetlands. Callison had reviewed the relevant standards in the city's ordinances this weekend. She did not feel that the staff report followed the city's ordinance with regard to floor area ratio, but was not sure of the relationship of the mass of the building to the quality of the wetland. She did not agree that wetland area should be counted as recreational space, and felt that the intent of the ordinance was to provide picnic areas, trails, swimming pools, and nature areas – something a user could go into.

Callison noted that the reduction in the number of units put the project into conformity with the floor area ratio requirements, and also helped meet the recreational area ratio. She thought that there could be benches or a boardwalk added for accessibility and usability. With the latest changes, the project would meet the minimal requirements of the ordinance, and the affordable housing units and additional buffering were significant project benefits. She noted this was only the first or second development to provide

affordable housing units without tax increment assistance or city financial support. She was pleased that the density was not at the maximum. She would support the project because, with the changes, the density numbers fell within the ordinance. She also supported the project because of the affordable housing component and the conservation easement over the buffer.

Thomas agreed with Callison. He said that it would have been hard for him to support the project without the changes. With the changes, he would support the project.

Allendorf said that he had not planned to support the project. He said that staff did a good job of addressing traffic, drainage and wetland replacement. He had been concerned about the issues of transition and mass of the structure. He had also been concerned that the building did not change with the earlier reduction in the number of units. Allendorf hoped that with taking 26 feet and 10,000 square feet off the building, the applicant would do something more than increase the parking. He suggested using the area for greenery or benches. He agreed that the issues of playground availability were a matter of family choice.

Callison moved, Tauer seconded a motion to:

A. Adopt the Ordinance No. 2003-13, approving the following for Yellowstone Trail at 408 Parkers Lake Road:

- A rezoning from R-1, Low-Density Residential to PID, Planned I-394, and
- A master development plan and final site and building plans.

The ordinance is based on the following findings:

- 1) The rezoning is consistent with the comprehensive plan.
- 2) The rezoning would be consistent with the public health, safety, and welfare.

This rezoning is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

- o Site plan dated January 16, 2003
- o Grading plan dated January 17, 2003
- o Landscaping plan dated January 14, 2003
- o Building elevations dated January 16, 2003
- o Wetland/wetland buffer summary dated January 17, 2003
- o Utility plan dated January 17, 2003

- 2) The following work must be completed before the city issues a grading permit or before starting any site work:
- a. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the city's environment resources coordinator.
 - b. Submit final site, grading, drainage, utility and erosion control plans for staff approval. Final grading plans must include the following revisions:
 - (1) Add a sump catch basin in the pavement area before discharging into the pond along Parkers Lake Road.
 - (2) A drainage and utility easement must be established over the wetland along Parkers Lake Road. The easement must be established over the 944.7 elevation.
 - (3) Utility plan must be revised so the connections do not encroach on the property to the north.
 - (4) The width of the south driveway entrance must be reduced to 24 feet.
 - (5) Use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer.

- c. Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - d. Submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - e. Submit a construction management plan for staff approval.
 - f. A wetland certificate of no loss or exemption form must be completed and mailed to the appropriate parties.
- 3) The following must be submitted to the city before the city issues a building permit:
- a. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review and approval of the city's environmental resources coordinator.
 - b. An illumination plan for staff approval. Exterior lighting must be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths (.5) foot-candles as measured on the property line when abutting a residential parcel.
 - c. All required hook-up fees
 - d. Record this ordinance with the county.
- 4) The following must be submitted to the city before the city issues a certificate of occupancy for the building:
- a. Conservation easements over the wetland and buffer areas, including a drawing of the easements for the approval of the city attorney. The easements and drawing must be recorded with the final plat.

- b. Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, the required drainage pond and any other required drainage improvements approved by the city. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits. Documents must also include maintenance agreement for the wetland and buffer areas. This language shall be subject to review and approval of the city attorney and environmental resources coordinator.
 - c. A final landscape and irrigation plan for staff approval. Minimum planted tree sizes shall be 3-1/2 inch caliper for deciduous trees, 2-inch caliper for ornamental trees and 10 feet in height for coniferous trees; or the sizes must meet the minimum code requirement at the time of submittal of the final landscape plan.
 - d. The landscape plan must include a minimum investment of 2 percent of the total project value.
 - e. A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
- 5) Revegetate disturbed slopes as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.
 - 6) The property owner is responsible for replacing any required landscaping that dies.
 - 7) The eight affordable housing units are to be priced at \$170,000 or less, and be subject to resale indexing covenants approved by the city council, after EDA review of the city's indexing policies.

- 8) 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.
- 9) The building must be constructed with automatic fire sprinklers throughout.
- 10) A wood chip trail must be constructed along the west side of the building to allow for pedestrian movement around the building and wetland area. Construction of this trail shall be subject to review and approval of the environmental resources coordinator and the fire marshal.
- 11) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- 12) Total number of units may not exceed 46 and the floor area ratio must not exceed 50 percent of the site above the wetland boundary.
- 13) Construction must begin by December 31, 2004, unless the planning commission grants a time extension.

The above plans are hereby adopted as the master development plan and as final site and building plans.

B. Adopt the ordinance on page A6–A7. The ordinance rezones areas designated as Wetland to PID, Planned I-394, and areas designated as R-1 Low-density to Wetland, subject to the following conditions:

- 1) Obtain a grading permit as part of the Yellowstone Trail project.
- 2) Must be developed per the grading plan dated January 17, 2003.

All present voted “yes.” Schneider had left the meeting. Motion carried.

Tauer said that the neighbors had a tremendous impact on the outcome through their input.

Allendorf suggested that the neighbors keep in contact with staff with respect to issues related to traffic, water quality, and construction management, so they can continue to provide meaningful input.

D. Consideration of the following items:

- 1) Approval of a resolution amending Council Policy 1.3 on appointments to boards, committees, and commissions related to geographic representation.**
- 2) Recommendation regarding council representation on boards of community groups.**
- 3) Recommendation regarding council liaison to boards and commissions.**
- 4) Introduction of an Ordinance amending City Code Section 300.04, Subdivision 1, concerning the establishment of alternate planning commission members.**
- 5) Review of a resolution amending Council Policy 1.3 on appointments to boards, committees, and commissions related to alternate planning commission members.**

Gunyou provided a brief introduction. Assistant City Manager Geralyn Barone provided the staff report regarding geographic representation on boards and commissions.

Tauer said that the existing language already states that equal geographic representation is desirable, but that quality of the candidates is more important, and that was sufficient for him. Schneider concurred.

Callison said that while equal geographic representation is nice, it can be difficult to accomplish. She supported leaving the language as it is currently stated.

Thomas said that while he agreed somewhat, he was very concerned that there was not any representation from some wards on some of the key commissions.

Schneider said that Mayor Anderson had e-mailed him, asking that this item be continued if there was support for changing the language, because she would not support it. Schneider recalled that several years ago there were four planning commission members out of seven who resided in Ward 4 as a result of transitions. Schneider felt that the existing language was sufficient. He noted that a majority of the council must concur with the mayor's recommendations for appointments, so there is a mechanism for council members to express their view as appointments are made. He would not support a change.

Thomas noted that the council has not received a chart like the one in the packet at the time it selects commission members. He was particularly concerned that there was no Ward 4 representative on the planning commission.

Tauer said that Thomas was doing what a ward council representative should do, advocating for his ward. He said that the mayor is very aware of the ward representation issue, and considers it as she looks at applicants. He noted that the council has usually voted for talent. Tauer said that while council ward representatives should advocate for their ward, he thought that planning commission members should be looking at overall city values.

Thomas questioned if all of the candidates for appointments on other commissions were the most qualified.

Schneider said that during the last round of appointments to the planning commission, there was general agreement that broad geographic representation was desirable, but there were not sufficient nominees from Ward 4. Schneider said that the mayor asked him to assist in recruiting someone from Ward 4. He was able to submit a few names, but the people declined to serve due to the time commitment.

Callison moved, Tauer seconded a motion not to adopt the resolution submitted in the packet. Callison, Allendorf, Tauer, Wiersum, and Schneider voted "yes." Thomas voted "no." Motion carried.

Barone said that staff would make more effort to provide information about the wards of applicants. Schneider suggested that the *Minnetonka Memo* be used to invite applicants when there are concerns about under-representation in a particular ward.

Thomas asked that staff make sure that the ward is listed on the nominee's application form. Barone said that staff would also verify the ward information.

Barone then provided the staff report concerning council representation on boards of community groups. There was general council concurrence with the staff recommendation that council continue to reserve the right to appoint a city representative, either council member or staff, to groups such as MAM and Bennett Park. Those decisions would continue to be made annually, depending on council member interest. No policy change was recommended at this time.

Barone then provided the staff report concerning council liaisons for all city boards and commissions. The council concurred with the staff recommendation to seek opportunities for annual joint study sessions with the park board and planning commission, and for the staff liaisons from each board and commission to seek opportunities for information exchange and informal interaction between the council and its advisory groups throughout the year.

Barone then presented the background information concerning the two items related to alternate planning commission members. She noted that a sentence inadvertently omitted from the proposed ordinance would be included if the council chose to forward the draft to the planning commission for review.

Callison asked if the pool for alternate planning commission members could include past members who had already served full terms. Barone said that one intent of the term limits provision in the ordinance was to bring new people into the group. She did not think including those who had reached their term limit as alternates would be a concern. Callison said that regular planning commission members would need to understand the importance of their continued attendance at meetings.

Thomas suggested that one of the alternates could be a former planning commission member, and the other a new person to provide a training opportunity. Barone said that the focus had been on finding candidates with experience and familiarity with the city's zoning code and issues.

Peterson said that she and Planning Director Geoff Olson had discussed the issue because other cities use the alternate planning commission member idea as a sort of training ground.

Olson asked the current planning commission chair about the idea, and he preferred members with experience.

Wiersum asked if there was a sufficient pool of former planning commission members. Olson said that there was due to turnover of members in recent years. Wiersum thought the idea was very good, and stressed the importance of the planning commission.

Tauer supported including former planning commission members who had reached their term limit, considering those without experience only if those with experience could not be found.

Allendorf supported the idea, and said that experience would be important in circumstances when an alternate member would typically be needed. He supported waiving the term limit for alternate planning commission members.

Thomas suggested that the council watch for potential conflicts of interest during the interview process.

Schneider expressed his concerns, viewing this as a major change. He wanted to make sure there was sufficient discussion to consider all of its implications. He was concerned about continuity, because an alternate member might need to consider an item that had been considered by the planning commission on previous occasions. Instead of acting on the ordinance, he recommended that the council hold a joint study session with the planning commission, to discuss the issue. Tauer supported Schneider's recommendation due to the absence of the mayor and the lack of need for immediate action.

Peterson said that she would contact other cities that use alternate planning commission members for their experience with the system. Schneider said that would be helpful.

Gunyou suggested that this item could be the first joint study session with the council and planning commission, as was previously discussed.

Wiersum supported continuing the item. He noted that jury alternates sit through the entire trial. He said that some process would be needed to mitigate the concerns expressed. He hoped for a change that would ensure the quality of the planning commission while not overburdening them.

Thomas assumed that the system would work like the council's, where members recuse themselves only for the item for which they have a conflict.

Allendorf moved, Wiersum seconded a motion to continue the issue of alternate planning commission members to a joint study session with the planning commission. All voted "yes." Motion carried.

E. MERIT Organizational Component

Gunyou provided the staff report, providing background information on the Organizational MERIT Program and the ratings for each of the city's strategic goals. He noted that the city received an overall grade of "A", which is an improvement over last year's "A-." He thanked the council, on behalf of the staff, and said that staff takes the program seriously.

Schneider said that it is important to have ongoing feedback.

Schneider then reminded the audience that he would be recusing himself from the discussion of item #14C because he had provided consulting services to one of the project's partner in the past. He said that Allendorf would be the acting mayor for the remainder of the meeting.

15. APPOINTMENTS. None

16. ADJOURNMENT.

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 10:17 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathleen Magrew
City Clerk